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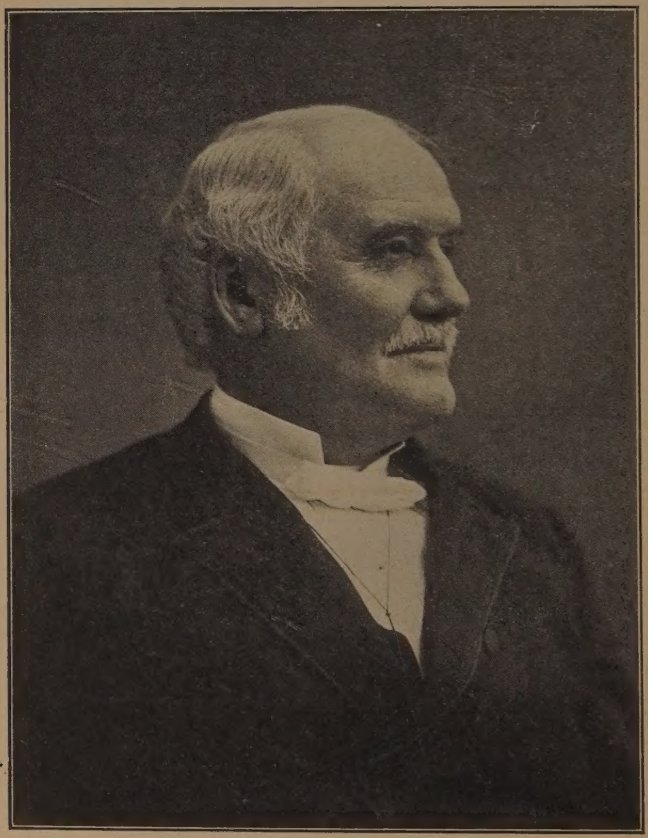

A. K. McClure, LL.D.

FAMOUS AMERICAN STATESMEN & ORATORS

PAST AND PRESENT

WITH

BIOGRAPHICAL SKETCHES

—AND—

THEIR FAMOUS ORATIONS

IN SIX VOLUMES

VOLUME I

ALEXANDER K. McCLURE, LL.D.

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EDITORIAL FOREWORD.

"Oratory," said Abraham Lincoln, "is the great power that moves nations to do and dare; it was oratory that wrecked Rome and made Christianity live." None of our public men better understand the power of oratory than did Lincoln, and he estimated it from its highest plane. He would not have been a great orator in Rome when Roman people were swayed by the impassioned eloquence of their orators to deify to-day and crucify to-morrow, but he was one of the greatest of American orators of the rare type that always appeals to the considerate judgment of mankind.

The power of the impassioned oratory that swayed the ancients in the days of Demosthenes has been impaired by the growing in culture and thoughtfulness of the people of all nations. There are occasions when it is yet most appropriate and impressive, but they are rare. It at times asserts itself in great trials in our courts of justice, but its impressions speedily perish, unless they appeal to some enduring human sympathy.

Senator Depew truthfully says, "Eloquence is the master element in politics," but political oratory in this country, like the political oratory of every other civilized country of the world, has materially changed in its most effective attributes. In the days of Thomas Corwin of Ohio, and Sargent S. Prentiss of Mississippi, the political orator was the sole dependence of political parties. The newspaper was then a luxury and did not reach the masses of the people. The "hustlings" was, therefore,

the only medium by which the people could be taught. Education was greatly circumscribed, being accessible on a liberal scale only to the few, and it was a period in the history of our country that developed a class of orators and a type of oratory, trained in all the arts of appealing to ignorance and prejudice, that has been gradually supplanted by a much higher standard of disputation, although often not so fascinating to a popular assembly.

The orators of the early days of this country, like the orators of Rome and Greece, had but one great study, and that was to sway multitudes by mingled eloquence, pathos, humor and invective. Had Corwin or Prentiss delivered a sober address on any great political occasion such as Abraham Lincoln delivered to the Republican State Convention of Illinois in 1858, when he was unanimously nominated for United States Senator, such a deliverance would have fallen upon heedless ears and entirely without responsive enthusiasm.

The newspaper that now reaches everywhere and is the daily teacher in almost every home; the school that, as a rule, is open and free to all regardless of race or circumstances; the college that now gathers its pupils from every section and class; the railway that now peals out the hoarse music of the iron horse over hill and valley in every part of the country; the swift greyhounds of the ocean, which annihilate space in great centers of sea travel, and the multiplicity of books and libraries which reach into almost every village and are thus brought within the range of almost every household, have advanced intelligence and thoughtfulness, and manhood and womanhood, in our happy green land to an extent that has largely shorn impassioned oratory of its locks and measurably destroyed it as an agent in the great work of teaching the American people.

The impassioned oratory that in olden times was solely relied upon to sway the multitude, has had a full share in the wonderful advancement of the American people. It is less potent now than half a century or more ago, but it remains as an important feature of oratory among all the people of the earth. Patrick Henry gave the most exquisite illustration of it that we have in our history. Others have probably spoken as eloquently and as earnestly as he did, but the theme that called out the burning eloquence of Henry is one that enlists the sympathies of all classes and conditions throughout our great Republic, and must continue to do so while our free institutions are maintained; and every pupil of our schools has been, is to-day and ever will be familiar with his immortal utterance, "Give me liberty or give me death!"

But the impassioned oratory of Henry and others never could have organized the great Revolution and founded the noblest government of the world. It required the sober utterances of the Adamses, of Franklin, of Madison, of Marshall and others, to appeal to the convictions of the people and unite the colonies in the desperate effort to throw off the English yoke.

None of our many eminently distinguished public men equaled Henry Clay in the impassioned oratory that swayed the multitude, but Clay was much more than a mere orator. His greatest oratorical efforts were delivered in the Senate of the United States, where he was one of the most skilful and powerful of disputants. Webster was the most forceful in argument of all our public men, but he cultivated none of the arts of oratory. His manner was as simple as the style of his expression, but he stands out single and alone as the greatest intellectual force of American statesmanship. Clay swayed audiences not only because he was generally the

idol of his auditors, but because his utterances were as forceful as they were charming, but Webster awed the masses who heard him into reverence by his ponderous intellectual mastery, and was greater than Clay in the discussion of any abstruse legal or political question before a judicial or deliberative tribunal.

Blaine was the most magnetic of our great orators since the reign of Clay. He was brilliant, sympathetic, audacious and when aroused, carried his audience by storm, but he was not the greatest of our political disputants, for the disputant and the orator often essentially differ in attribute and achievement. Conkling was grand, imperious and cogent, and on every occasion that called out his greater qualities his orations were most impressive and well remembered. His nomination of Grant in the Republican National Convention of 1880 will ever be remembered by all who heard it, as long as memory remains to them. It had all the elegant polish of oratory, and would have been a most impressive deliverance to any assembly that was open to deliberation on the subject of nominating the President; but in that contest between Grant and Blaine, it could be said of them as was once said of Rome, that "Cæsar had a party and Antony a party, but Rome had none."

The most profoundly impressive speech I ever heard was that of Robert G. Ingersoll nominating Blaine for President in the Cincinnati convention of 1876. It was delivered to a convention a majority of whose delegates were largely or measurably in sympathy with Blaine, and its effect upon the assembled delegates was so great and so clearly visible, that the opponents of Blaine were compelled to resort to the most desperate measures to prevent a ballot for President during the day.

Daniel Dougherty's speech nominating Hancock

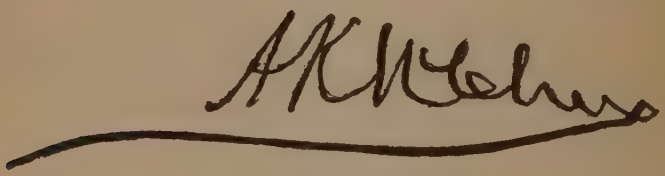
for President in the Democratic National Convention of 1880, was one among the very best exhibitions we have had of impassioned American oratory, and while it was a more polished deliverance than that of Ingersoll, it was simply a most exquisite oration, exhibiting the highest art of oratory, but lacked the rugged forcefulness of Ingersoll's appeal for Blaine or of Bourke Cockran's able and impressive protest against the nomination of Cleveland in the National Convention of 1892.

We have as great orators to-day as we have had at any time in the past history of the Republic, but conditions have vastly changed the relations between orators and the masses during the last half century. In oratory the mountains are just as tall and imposing, but the valleys have largely filled up, and the distance in point of intelligence between the orator and the people has been vastly lessened. The successful orator of to-day—the oratory that sways public sentiment and leads the American people in ruling their own government, is not the impassioned oratory that for centuries swayed the world.

The attributes of oratory are just as necessary now as they ever have been, but the aim and efforts of the successful orator of to-day are to make themselves convincing disputants with all the fascinating embellishments of oratory. The last generation developed a number of distinguished orators of this type. Douglass, Seymour, Hendricks, Thurman and others were the most impressive Democratic orators of the time, and Sherman, Curtis, Schurz, Morton, Carpenter and others were among the most successful teachers of Republicanism on the forum. In short, the effective orator of this enlightened and progressive age must be something more than a mere orator to illustrate the power of oratory, and all our teachings

now tend to train American oratory to the highest standard of grandeur and power.

The study of oratory, and of the great orations alike of ancient and modern times, is vastly more general to-day than at any time in the past history of the civilized world, and I believe that this work now presented to the public, intelligently covers the great American orations. It contains the most famous speeches of the leaders of all the varied types of American orators, and there is no phase of oratory that is not given in its very best attributes. It is a work especially adapted to the students of the present generation, old and young, and I know of no work that the intelligent young student could study with greater profit. As an educational work it is, I believe, altogether the most valuable of our publications which can be obtained at moderate cost.



Franklin, Benjamin, a distinguished American philosopher, statesman and diplomatist, born in Boston, Mass., Jan. 17, 1726; died in Philadelphia, April 17, 1790. He learned the printer's trade in his youth, and removing to Philadelphia at seventeen he there set up in business, prospered, and became one of the most influential men in the colony and prominent in promoting all enterprises for the public welfare. While deputy postmaster-general he organized a working postal system for the colonies, and he was twice sent to London by the colony of Pennsylvania as its agent. He was a member of the committee which drafted the Declaration of Independence, was one of the commissioners plenipotentiary to France, where he became the lion of the hour, and signed the treaty of peace between the United States and Great Britain in 1783. He also took an active part in framing the National Constitution in 1787. He was an eminently shrewd, far-sighted writer and speaker, possessed of both tolerance and humor, and the characteristics of his style may be well perceived in his observations on the Federal Constitution, and the Dangers of a Salaried Bureaucracy.

THE FEDERAL CONSTITUTION

DELIVERED IN THE CONVENTION FOR FORMING THE CONSTITUTION OF THE UNITED STATES, PHILADELPHIA, 1787.

I CONFESS that I do not entirely approve of this Constitution at present; but, sir, I am not sure I shall never approve it, for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but

found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error. Steele, a Protestant, in a dedication, tells the Pope that the only difference between our two churches in their opinions of the certainty of their doctrine is, the Romish Church is infallible, and the Church of England is never in the wrong. But, though many private persons think almost as highly of their own infallibility as that of their sect, few express it so naturally as a certain French lady, who, in a little dispute with her sister, said: "But I meet with nobody but myself that is always in the right."

In these sentiments, sir, I agree to this Constitution, with all its faults—if they are such—because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people, if well administered; and I believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore as-

tonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people, and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

On the whole, sir, I cannot help expressing a wish that every member of the convention who may still

have objection to it, would, with me, on this occasion, doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this instrument.

DANGERS OF A SALARIED BUREAUCRACY

DELIVERED IN THE CONVENTION FOR FORMING THE CONSTITUTION OF THE UNITED STATES, PHILADELPHIA, 1787.

It is with reluctance that I rise to express a disapprobation of any one article of the plan for which we are so much obliged to the honorable gentlemen who laid it before us. From its first reading I have borne a good will to it, and, in general, wished it success. In this particular of salaries to the executive branch, I happen to differ; and, as my opinion may appear new and chimerical, it is only from a persuasion that it is right, and from a sense of duty, that I hazard it. The committee will judge of my reasons when they have heard them, and their judgment may possibly change mine. I think I see inconveniences in the appointment of salaries; I see none in refusing them, but, on the contrary, great advantages.

Sir, there are two passions which have a powerful influence in the affairs of men. These are ambition and avarice; the love of power and the love of money. Separately, each of these has great force in prompting men to action; but, when united in view of the same object, they have, in many minds, the most violent effects. Place before the eyes of such men a post of honor, that shall, at the same time, be a place of profit, and they will move heaven and earth to obtain it. The

vast number of such places it is that renders the British Government so tempestuous. The struggles for them are the true source of all those factions which are perpetually dividing the nation, distracting its councils, hurrying it sometimes into fruitless and mischievous wars, and often compelling a submission to dishonorable terms of peace.

And of what kind are the men that will strive for this profitable pre-eminence, through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your government, and be your rulers. And these, too, will be mistaken in the expected happiness of their situation, for their vanquished competitors, of the same spirit, and from the same motives, will perpetually be endeavoring to distress their administration, thwart their measures, and render them odious to the people.

Besides these evils, sir, though we may set out in the beginning with moderate salaries, we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations; and there will always be a party for giving more to the rulers, that the rulers may be able, in return, to give more to them. Hence, as all history informs us, there has been in every state and kingdom a constant kind of warfare between the governing and the governed; the one striving to obtain more for its support, and the

other to pay less. And this has alone occasioned great convulsions, actual civil wars, ending either in dethroning of the princes or enslaving of the people. Generally, indeed, the ruling power carries its point, and we see the revenues of princes constantly increasing, and we see that they are never satisfied, but always in want of more. The more the people are discontented with the oppression of taxes, the greater need the prince has of money to distribute among his partisans, and pay the troops that are to suppress all resistance, and enable him to plunder at pleasure. There is scarce a king in a hundred, who would not, if he could, follow the example of Pharaoh—get first all the people's money, then all their lands, and then make them and their children servants forever. It will be said that we do not propose to establish kings. I know it. But there is a natural inclination in mankind to kingly government. It sometimes relieves them from aristocratic domination. They had rather have one tyrant than five hundred. It gives more of the appearance of equality among citizens; and that they like. I am apprehensive, therefore—perhaps too apprehensive—that the government of the States may, in future times, end in a monarchy. But this catastrophe, I think, may be long delayed, if in our proposed system we do not sow the seeds of contention, faction, and tumult, by making our posts of honor places of profit. If we do, I fear that, though we employ at first a number and not a single person, the number will, in time, be set aside; it will only nourish the fœtus of a king (as the honorable gentleman from Virginia very aptly expressed it), and a king will the sooner be set over us.

It may be imagined by some that this is a Utopian idea, and that we can never find men to serve us in the executive department without paying them well for their services. I conceive this to be a mistake. Some existing fact present themselves to me which incline me to a contrary opinion. The high sheriff of a county in England is an honorable office, but it is not a profitable one. It is rather expensive, and therefore not sought for. But yet it is executed, and well executed, and usually by some of the principal gentlemen of the county. In France, the office of counsellor, or member of their judiciary parliament, is more honorable. It is therefore purchased at a high price; there are, indeed, fees on the law proceedings, which are divided among them, but these fees do not amount to more than three per cent on the sum paid for the place. Therefore, as legal interest is there at five per cent, they, in fact, pay two per cent for being allowed to do the judiciary business of the nation, which is, at the same time, entirely exempt from the burden of paying them any salaries for their services. I do not, however, mean to recommend this as an eligible mode for our judiciary department. I only bring the instance to show that the pleasure of doing good and serving their country, and the respect such conduct entitles them to, are sufficient motives with some minds to give up a great portion of their time to the public, without the mean inducement of pecuniary satisfaction.

Another instance is that of a respectable society who have made the experiment and practiced it with success now more than a hundred years. I mean the Quakers It is an established rule with them that they are not to

go to law, but in their controversies they must apply to their monthly, quarterly, and yearly meetings. Committees of these sit with patience to hear the parties, and spend much time in composing their differences. In doing this, they are supported by a sense of duty and the respect paid to usefulness. It is honorable to be so employed, but it was never made profitable by salaries, fees, or perquisites. And, indeed, in all cases of pubiic service, the less the profit, the greater the honor.

To bring the matter nearer home, have we not seen the greatest and most important of our offices, that of general of our armies, executed for eight years together, without the smallest salary, by a patriot whom I will not now offend by any other praise; and this, through fatigues and distresses, in common with the other brave men, his military friends and companions, and the constant anxieties peculiar to his station? And shall we doubt finding three or four men in all the United States with public spirit enough to bear sitting in peaceful council, for, perhaps, an equal term, merely to preside over our civil concerns, and see that our laws are duly executed? Sir, I have a better opinion of our country. I think we shall never be without a sufficient number of wise and good men to undertake and execute well and faithfully the office in question.

Sir, the saving of the salaries, that may at first be proposed, is not an object with me. The subsequent mischiefs of proposing them are what I apprehend. And, therefore, it is that I move the amendment. If it be not seconded or accepted, I must be contented with the satisfaction of having delivered my opinion frankly and done my duty.

Adams, Samuel, an American orator and patriot, born in Boston, Mass., Sept. 27, 1722; died there Oct. 2, 1803. At the beginning of the disputes between the colonies and the mother country he was a tax collector in his native town, and a well-known character in consequence. As the troubles increased he took so active a part in fomenting opposition to Great Britain that he was especially excluded from General Gage's proclamation of amnesty in June, 1775. He was a delegate to the Continental Congress, a Signer of the Declaration of Independence, and a member of the convention ratifying the Constitution of Massachusetts. From 1794 to 1797 he was governor of that State. His oratory was of the impetuous, fiery order, and more immediately effective, therefore, than the more well-considered, tempered utterances of some of his illustrious contemporaries. In his famous speech on American Independence, which he delivered in Philadelphia, Adams styled the English "a nation of shopkeepers." As the oration was translated into French and published in Paris it is extremely likely that Napoleon was indebted to Samuel Adams for his use of the famous phrase.

AMERICAN INDEPENDENCE.

Countrymen and Brethren:

I WOULD gladly have declined an honor to which I find myself unequal. I have not the calmness and impartiality which the infinite importance of this occasion demands. I will not deny the charge of my enemies, that resentment for the accumulated injuries of our country and an ardor for her glory, rising to enthusiasm, may deprive me of that accuracy of judgment and expression which men of cooler passions may possess. Let me beseech you, then, to hear me with caution,

to examine your prejudice, and to correct the mistakes into which I may be hurried by my zeal.

Truth loves an appeal to the common-sense of mankind. Your unperverted understandings can best determine on subjects of a practical nature. The positions and plans which are said to be above the comprehension of the multitude may be always suspected to be visionary and fruitless. He who made all men hath made the truths necessary to human happiness obvious to all.

Our forefathers threw off the yoke of Popery in religion; for you is reserved the honor of levelling the popery of politics. They opened the Bible to all, and maintained the capacity of every man to judge for himself in religion. Are we sufficient for the comprehension of the sublimest spiritual truths, and unequal to material and temporal ones?

Heaven has trusted us with the management of things for eternity, and man denies us ability to judge of the present, or to know from our feelings the experience that will make us happy. "You can discern," they say, "objects distant and remote, but cannot perceive those within your grasp. Let us have the distribution of present goods, and cut out and manage as you please the interests of futurity." This day, I trust, the reign of political protestantism will commence. We have explored the temple of royalty, and found that the idol we have bowed down to has eyes which see not, ears that hear not our prayers, and a heart like the nether millstone. We have this day restored the Sovereign to whom alone men ought to be obedient. He reigns in heaven, and with a propi-

tious eye beholds his subjects assuming that freedom of thought and dignity of self-direction which he bestowed on them. From the rising to the setting sun may his kingdom come!

Having been a slave to the influence of opinion early acquired, and distinctions generally received, I am ever inclined not to despise but pity those who are yet in darkness. But to the eye of reason what can be more clear than that all men have an equal right to happiness? Nature made no other distinction than that of higher and lower degrees of power of mind and body. But what mysterious distribution of character has the craft of statesmen, more fatal than priestcraft, introduced?

According to their doctrine, the offspring of perhaps the lewd embraces of a successful invader shall, from generation to generation, arrogate the right of lavishing on their pleasures a proportion of the fruits of the earth, more than sufficient to supply the wants of thousands of their fellow-creatures; claim authority to manage them like beasts of burden, and, with superior industry, capacity, or virtue, nay, though disgraceful to humanity, by their ignorance, intemperance, and brutality, shall be deemed best calculated to frame laws and to consult for the welfare of society.

Were the talents and virtues which Heaven has bestowed on men given merely to make them more obedient drudges, to be sacrificed to the follies and ambition of a few? Or, were not the noble gifts so equally dispensed with a divine purpose and law, that they should as nearly as possible be equally exerted, and the blessings of Providence be equally enjoyed by all? Away, then, with those ab-

surd systems which to gratify the pride of a few debase the greater part of our species below the order of men. What an affront to the King of the universe, to maintain that the happiness of a monster, sunk in debauchery and spreading desolation and murder among men, of a Caligula, a Nero, or a Charles, is more precious in his sight than that of millions of his suppliant creatures, who do justice, love mercy, and walk humbly with their God! No, in the judgment of Heaven there is no other superiority among men than a superiority in wisdom and virtue. And can we have a safer model in forming ours? The Deity, then, has not given any order or family of men authority over others; and if any men have given it, they only could give it for themselves. Our forefathers, 'tis said, consented to be subject to the laws of Great Britain. I will not, at present, dispute it, nor mark out the limits and conditions of their submission; but will it be denied that they contracted to pay obedience and to be under the control of Great Britain because it appeared to them most beneficial in their then present circumstances and situations? We, my countrymen, have the same right to consult and provide for our happiness which they had to promote theirs. If they had a view to posterity in their contracts, it must have been to advance the felicity of their descendants. If they erred in their expectations and prospects, we can never be condemned for a conduct which they would have recommended had they foreseen our present condition.

Ye darkeners of counsel, who would make the property, lives, and religion of millions depend on the

evasive interpretations of musty parchments; who would send us to antiquated charters of uncertain and contradictory meaning, to prove that the present generation are not bound to be victims to cruel and unforgiving despotism, tell us whether our pious and generous ancestors bequeathed to us the miserable privilege of having the rewards of our honesty, industry, the fruits of those fields which they purchased and bled for, wrested from us at the will of men over whom we have no check. Did they contract for us that, with folded arms, we should expect that justice and mercy from brutal and inflamed invaders which have been denied to our supplications at the foot of the throne? Were we to hear our character as a people ridiculed with indifference? Did they promise for us that our meekness and patience should be insulted; our coasts harassed, our towns demolished and plundered, and our wives and offspring exposed to nakedness, hunger, and death, without our feeling the resentment of men, and exerting those powers of self-preservation which God has given us? No man had once a greater veneration for Englishmen than I entertained. They were dear to me as branches of the same parental trunk, and partakers of the same religion and laws; I still view with respect the remains of the Constitution as I would a lifeless body which had once been animated by a great and heroic soul. But when I am aroused by the din of arms; when I behold legions of foreign assassins, paid by Englishmen to imbrue their hands in our blood; when I tread over the uncoffined bodies of my countrymen, neighbors, and friends; when I see the locks of a venerable father

torn by savage hands, and a feeble mother, clasping her infants to her bosom, and on her knees imploring their lives from her own slaves, whom Englishmen have allured to treachery and murder; when I behold my country, once the seat of industry, peace, and plenty, changed by Englishmen to a theatre of blood and misery, Heaven forgive me if I cannot root out those passions which it has implanted in my bosom, and detest submission to a people who have either ceased to be human, or have not virtue enough to feel their own wretchedness and servitude!

Men who content themselves with the semblance of truth, and a display of words, talk much of our obligations to Great Britain for protection. Had she a single eye to our advantage? A nation of shopkeepers are very seldom so disinterested. Let us not be so amused with words; the extension of her commerce was her object. When she defended our coasts, she fought for her customers, and convoyed our ships loaded with wealth, which we had acquired for her by our industry. She has treated us as beasts of burden whom the lordly masters cherish that they may carry a greater load. Let us inquire also against whom she has protected us? Against her own enemies with whom we had no quarrel, or only on her account, and against whom we always readily exerted our wealth and strength when they were required. Were these colonies backward in giving assistance to Great Britain, when they were called upon in 1739 to aid the expedition against Carthagena? They at that time sent three thousand men to join the British army, although the war commenced without their consent

But the last war, 'tis said, was purely American. This is a vulgar error, which, like many others, has gained credit by being confidently repeated. The dispute between the courts of Great Britain and France related to the limits of Canada and Nova Scotia. The controverted territory was not claimed by any in the colonies, but by the crown of Great Britain. It was therefore their own quarrel. The infringement of a right which England had, by the treaty of Utrecht, of trading in the Indian country of Ohio, was another cause of the war. The French seized large quantities of British manufactures and took possession of a fort which a company of British merchants and factors had erected for the security of their commerce. The war was therefore waged in defence of lands claimed by the crown, and for the protection of British property. The French at that time had no quarrel with America, and, as appears by letters sent by their commander-in-chief to some of the colonies, wished to remain in peace with us. The part therefore, which we then took, and the miseries to which we exposed ourselves, ought to be charged to our affection to Britain. These colonies granted more than their proportion to the support of the war. They raised, clothed, and maintained nearly twenty-five thousand men, and so sensible were the people of England of our great exertions, that a message was annually sent to the House of Commons purporting, "that his Majesty, being highly satisfied with the zeal and vigor with which his faithful subjects in North America had exerted themselves in defence of his Majesty's just rights and possessions, recommends it to the House to take the same

into consideration, and enable him to give them a proper compensation."

But what purpose can arguments of this kind answer? Did the protection we received annul our rights as men, and lay us under an obligation of being miserable?

Who among you, my countrymen, that is a father, would claim authority to make your child a slave because you had nourished him in infancy?

'Tis a strange species of generosity which requires a return infinitely more valuable than anything it could have bestowed; that demands as a reward for a defence of our property a surrender of those inestimable privileges to the arbitrary will of vindictive tyrants, which alone give value to that very property.

Political right and public happiness are different words for the same idea. They who wander into metaphysical labyrinths, or have recourse to original contracts, to determine the rights of men, either impose on themselves or mean to delude others. Public utility is the only certain criterion. It is the test which brings disputes to a speedy decision, and makes its appeal to the feelings of mankind. The force of truth has obliged men to use arguments drawn from this principle who were combating it, in practice and speculation. The advocates for a despotic government and non-resistance to the magistrate employ reasons in favor of their systems drawn from a consideration of their tendency to promote public happiness.

The Author of Nature directs all his operations to the production of the greatest good, and has made human virtue to consist in a disposition and conduct

which tends to the common felicity of his creatures. An abridgement of the natural freedom of men, by the institutions of political societies, is vindicable only on this foot. How absurd, then, is it to draw arguments from the nature of civil society for the annihilation of those very ends which society was intended to procure! Men associate for their mutual advantage. Hence, the good and happiness of the members, that is, a majority of the members, of any State, is the great standard by which everything relating to that State must finally be determined; and though it may be supposed that a body of people may be bound by a voluntary resignation (which they have been so infatuated as to make) of all their interests to a single person, or to a few, it can never be conceived that the resignation is obligatory to their posterity; because it is manifestly contrary to the good of the whole that it should be so.

These are the sentiments of the wisest and most virtuous champions of freedom. Attend to a portion on this subject from a book in our own defence, written, I had almost said, by the pen of inspiration. "I lay no stress," says he, "on charters; they derive their rights from a higher source. It is inconsistent with common-sense to imagine that any people would ever think of settling in a distant country on any such condition, or that the people from whom they withdrew should forever be masters of their property, and have power to subject them to any modes of government they pleased. And had there been expressed stipulations to this purpose in all the charters of the colonies, they would, in my opinion, be no more bound by them,

than if it had been stipulated with them that they should go naked, or expose themselves to the incursions of wolves and tigers."

Such are the opinions of every virtuous and enlightened patriot in Great Britain. Their petition to Heaven is, "That there may be one free country left upon earth, to which they may fly, when venality, luxury, and vice shall have completed the ruin of liberty there."

Courage, then, my countrymen, our contest is not only whether we ourselves shall be free, but whether there shall be left to mankind an asylum on earth for civil and religious liberty. Dismissing, therefore, the justice of our cause, as incontestable, the only question is, What is best for us to pursue in our present circumstances?

The doctrine of dependence on Great Britain is, I believe, generally exploded; but as I would attend to the honest weakness of the simplest of men, you will pardon me if I offer a few words on that subject.

We are now on this continent, to the astonishment of the world, three millions of souls united in one cause. We have large armies, well disciplined and appointed, with commanders inferior to none in military skill, and superior in activity and zeal. We are furnished with arsenals and stores beyond our most sanguine expectations, and foreign nations are waiting to crown our success by their alliances. There are instances of, I would say, an almost astonishing Providence in our favor; our success has staggered our enemies, and almost given faith to infidels; so we may truly say it is not our own arm which has saved us.

The hand of Heaven appears to have led us on to be, perhaps, humble instruments and means in the great Providential dispensation which is completing. We have fled from the political Sodom; let us not look back, lest we perish and become a monument of infamy and derision to the world. For can we ever expect more unanimity and a better preparation for defence; more infatuation of counsel among our enemies, and more valor and zeal among ourselves? The same force and resistance which are sufficient to procure us our liberties will secure us a glorious independence and support us in the dignity of free, imperial States. We cannot suppose that our opposition has made a corrupt and dissipated nation more friendly to America, or created in them a greater respect for the rights of mankind. We can therefore expect a restoration and establishment of our privileges, and a compensation for the injuries we have received from their want of power, from their fears, and not from their virtues. The unanimity and valor which will effect an honorable peace can render a future contest for our liberties unnecessary. He who has strength to chain down the wolf is a madman if he let him loose without drawing his teeth and paring his nails.

From the day on which an accommodation takes place between England and America, on any other terms than as independent States, I shall date the ruin of this country. A politic minister will study to lull us into security, by granting us the full extent of our petitions. The warm sunshine of influence would melt down the virtue, which the violence of the storm

rendered more firm and unyielding. In a state of tranquillity, wealth, and luxury, our descendants would forget the arts of war and the noble activity and zeal which made their ancestors invincible. Every art of corruption would be employed to loosen the bond of union which renders our resistance formidable. When the spirit of liberty which now animates our hearts and gives success to our arms is extinct, our numbers will accelerate our ruin and render us easier victims to tyranny. Ye abandoned minions of an infatuated Ministry, if peradventure any should yet remain among us, remember that a Warren and Montgomery are numbered among the dead. Contemplate the mangled bodies of your countrymen, and then say, What should be the reward of such sacrifices? Bid us and our posterity bow the knee, supplicate the friendship, and plow, and sow, and reap, to glut the avarice of the men who have let loose on us the dogs of war to riot in our blood and hunt us from the face of the earth? If ye love wealth better than liberty, the tranquillity of servitude than the animating contest of freedom—go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that ye were our countrymen!

To unite the supremacy of Great Britain and the liberty of America is utterly impossible. So vast a continent, and of such a distance from the seat of empire, will every day grow more unmanageable. The motion of so unwieldy a body cannot be directed with any despatch and uniformity without committing to the

Parliament of Great Britain powers inconsistent with our freedom. The authority and force which would be absolutely necessary for the preservation of the peace and good order of this continent would put all our valuable rights within the reach of that nation.

As the administration of government requires firmer and more numerous supports in proportion to its extent, the burdens imposed on us would be excessive, and we should have the melancholy prospect of their increasing on our posterity. The scale of officers, from the rapacious and needy commissioner to the haughty governor, and from the governor, with his hungry train, to perhaps a licentious and prodigal viceroy, must be upheld by you and your children. The fleets and armies which will be employed to silence your murmurs and complaints must be supported by the fruits of your industry.

And yet with all this enlargement of the expense and powers of government, the administration of it at such a distance, and over so extensive a territory, must necessarily fail of putting the laws into vigorous execution, removing private oppressions, and forming plans for the advancement of agriculture and commerce, and preserving the vast empire in any tolerable peace and security. If our posterity retain any spark of patriotism, they can never tamely submit to such burdens. This country will be made the field of bloody contention till it gain that independence for which nature formed it. It is, therefore, injustice and cruelty to our offspring, and would stamp us with the character of baseness and cowardice, to leave the sal-

vation of this country to be worked out by them with accumulated difficulty and danger.

Prejudice, I confess, may warp our judgments. Let us hear the decision of Englishmen on this subject, who cannot be suspected of partiality. "The Americans," they say, "are but little short of half our number. To this number they have grown from a small body of original settlers by a very rapid increase. The probability is that they will go on to increase, and that in fifty or sixty years they will be double our number, and form a mighty empire, consisting of a variety of States, all equal or superior to ourselves in all the arts and accomplishments which give dignity and happiness to human life. In that period will they be still bound to acknowledge that supremacy over them which we now claim? Can there be any person who will assert this, or whose mind does not revolt at the idea of a vast continent holding all that is valuable to it at the discretion of a handful of people on the other side of the Atlantic? But if at that period this would be unreasonable, what makes it otherwise now? Draw the line if you can. But there is still a greater difficulty."

Britain is now, I will suppose, the seat of liberty and virtue, and its legislature consists of a body of able and independent men, who govern with wisdom and justice. The time may come when all will be reversed; when its excellent constitution of government will be subverted; when, pressed by debts and taxes, it will be greedy to draw to itself an increase of revenue from every distant province, in order to ease its own burdens; when the influence of the crown, strengthened by luxury and a universal profligacy of

manners, will have tainted every heart, broken down every fence of liberty, and rendered us a nation of tame and contented vassals; when a general election will be nothing but a general auction of boroughs, and when the Parliament, the grand council of the nation, and once the faithful guardian of the State, and a terror to evil ministers, will be degenerated into a body of sycophants, dependent and venal, always ready to confirm any measures, and little more than a public court for registering royal edicts. Such, it is possible, may, some time or other, be the state of Great Britain. What will, at that period, be the duty of the colonies? Will they be still bound to unconditional submission? Must they always continue an appendage to our government and follow it implicitly through every change that can happen to it? Wretched condition, indeed, of millions of freemen as good as ourselves! Will you say that we now govern equitably, and that there is no danger of such revolution? Would to God that this were true! But you will not always say the same. Who shall judge whether we govern equitably or not? Can you give the colonies any security that such a period will never come? No. *The period, countrymen, is already come!* The calamities were at our door. The rod of oppression was raised over us. We were roused from our slumbers, and may we never sink into repose until we can convey a clear and undisputed inheritance to our posterity! This day we are called upon to give a glorious example of what the wisest and best of men were rejoiced to view, only in speculation. This day presents the world with the most august spectacle

that its annals ever unfolded—millions of freemen, deliberately and voluntarily forming themselves into a society for their common defence and common happiness. Immortal spirits of Hampden, Locke, and Sidney, will it not add to your benevolent joys to behold your posterity rising to the dignity of men, and evincing to the world the reality and expediency of your systems, and in the actual enjoyment of that equal liberty, which you were happy, when on earth, in delineating and recommending to mankind?

Other nations have received their laws from conquerors; some are indebted for a constitution to the suffering of their ancestors through revolving centuries. The people of this country, alone, have formally and deliberately chosen a government for themselves, and with open and uninfluenced consent bound themselves into a social compact. Here no man proclaims his berth of wealth as a title to honorable distinction, or to sanctify ignorance and vice with the name of hereditary authority. He who has most zeal and ability to promote public felicity let him be the servant of the public. This is the only line of distinction drawn by nature. Leave the bird of night to the obscurity for which nature intended him, and expect only from the eagle to brush the clouds with his wings and look boldly in the face of the sun.

Some who would persuade us that they have tender feelings for future generations, while they are insensible to the happiness of the present are perpetually foreboding a train of dissensions under our popular system. Such men's reasoning amounts to this: Give up all that is valuable to Great Britain and then you

will have no inducements to quarrel among yourselves; or, suffer yourselves to be chained down by your enemies that you may not be able to fight with your friends.

This is an insult on your virtue as well as your common-sense. Your unanimity this day and through the course of the war is a decisive refutation of such invidious predictions. Our enemies have already had evidence that our present Constitution contains in it the justice and ardor of freedom and the wisdom and vigor of the most absolute system.

When the law is the will of the people, it will be uniform and coherent; but fluctuation, contradiction, and inconsistency of councils must be expected under those governments where every revolution in the ministry of a court produces one in the State—such being the folly and pride of all ministers, that they ever pursue measures directly opposite to those of their predecessors.

We shall neither be exposed to the necessary convulsions of elective monarchies, nor to the want of wisdom, fortitude, and virtue, to which hereditary succession is liable. In your hands it will be to perpetuate a prudent, active, and just legislature, and which will never expire until you yourselves lose the virtues which gave it existence.

And, brethren and fellow-countrymen, if it was ever granted to mortals to trace the designs of Providence, and interpret its manifestations in favor of their cause, we may, with humility of soul, cry out, "Not unto us, not unto us, but to thy Name be the praise!" The confusion of the devices among our enemies, and the

rage of the elements against them, have done almost as much toward our success as either our councils or our arms.

The time at which this attempt on our liberty was made, when we were ripened into maturity, had acquired a knowledge of war, and were free from the incursions of enemies in this country; the gradual advances of our oppressors enabling us to prepare for our defence; the unusual fertility of our lands and clemency of the seasons; the success which at first attended our feeble arms, producing unanimity among our friends and reducing our internal foes to acquiescence—these are all strong and palpable marks and assurances that Providence is yet gracious unto Zion, that it will turn away the captivity of Jacob.

Our glorious reformers when they broke through the fetters of superstition effected more than could be expected from an age so darkened. But they left much to be done by their posterity. They lopped off, indeed, some of the branches of Popery, but they left the root and stock when they left us under the domination of human systems and decisions, usurping the infallibility which can be attributed to Revelation alone. They dethroned one usurper only to raise up another; they refused allegiance to the Pope only to place the civil magistrate in the throne of Christ, vested with authority to enact laws and inflict penalties in his kingdom. And if we now cast our eyes over the nations of the earth, we shall find that, instead of possessing the pure religion of the Gospel, they may be divided either into infidels, who deny the truth; or politicians who make religion a stalking horse

for their ambition; or professors, who walk in the trammels of orthodoxy, and are more attentive to traditions and ordinances of men than to the oracles of truth.

The civil magistrate has everywhere contaminated religion by making it an engine of policy; and freedom of thought and the right of private judgment, in matters of conscience, driven from every other corner of the earth, direct their course to this happy country as their last asylum. Let us cherish the noble guests, and shelter them under the wings of a universal toleration! Be this the seat of unbounded religious freedom. She will bring with her, in her train, industry, wisdom, and commerce. She thrives most when left to shoot forth in her natural luxuriance, and asks for human policy only not to be checked in her growth by artificial encouragements.

Thus, by the beneficence of Providence, we shall behold our empire arising, founded on justice and the voluntary consent of the people, and giving full scope to the exercise of those faculties and rights which most ennoble our species. Besides the advantages of liberty and the most equal Constitution, Heaven has given us a country with every variety of climate and soil, pouring forth in abundance whatever is necessary for the support, comfort, and strength of a nation. Within our own borders we possess all the means of sustenance, defence and commerce; at the same time, these advantages are so distributed among the different States of this continent, as if nature had in view to proclaim to us: Be united among yourselves and you will want nothing from the rest of the world.

The more northern States most amply supply us with every necessary, and many of the luxuries of life; with iron, timber, and masts for ships of commerce or of war; with flax for the manufacture of linen, and seed either for oil or exportation.

So abundant are our harvests, that almost every part raises more than double the quantity of grain requisite for the support of the inhabitants. From Georgia and the Carolinas we have, as well for our own wants as for the purpose of supplying the wants of other powers, indigo, rice, hemp, naval stores, and lumber.

Virginia and Maryland teem with wheat, Indian corn, and tobacco. Every nation whose harvest is precarious, or whose lands yield not those commodities which we cultivate, will gladly exchange their superfluities and manufactures for ours.

We have already received many and large cargoes of clothing, military stores, etc., from our commerce with foreign powers, and, in spite of the efforts of the boasted navy of England, we shall continue to profit by this connection.

The want of our naval stores has already increased the price of these articles to a great height, especially in Britain. Without our lumber, it will be impossible for those haughty islanders to convey the products of the West Indies to their own ports; for awhile they may with difficulty effect it, but, without our assistance, their resources soon must fail. Indeed, the West India Islands appear as the necessary appendages to this our empire. They must owe their support to it, and erelong, I doubt not, some of them will, from

necessity, wish to enjoy the benefit of our protection.

These natural advantages will enable us to remain independent of the world, or make it the interest of European powers to court our alliance, and aid in protecting us against the invasion of others. What argument, therefore, do we want to show the equity of our conduct; or motive of interest to recommend it to our prudence? Nature points out the path, and our enemies have obliged us to pursue it.

If there is any man so base or so weak as to prefer a dependence on Great Britain to the dignity and happiness of living a member of a free and independent nation, let me tell him that necessity now demands what the generous principle of patriotism should have dictated.

We have no other alternative than independence, or the most ignominious and galling servitude. The legions of our enemies thicken on our plains; desolation and death mark their bloody career; while the mangled corpses of our countrymen seem to cry out to us as a voice from heaven:

"Will you permit our posterity to groan under the galling chains of our murderers? Has our blood been expended in vain? Is the only benefit which our constancy till death has obtained for our country, that it should be sunk into a deeper and more ignominious vassalage? Recollect who are the men that demand your submission, to whose decrees you are invited to pay obedience. Men who, unmindful of their relation to you as brethren; of your long implicit submission to their laws; of the sacrifice which you and

your forefathers made of your natural advantages for commerce to their avarice; formed a deliberate plan to wrest from you the small pittance of property which they had permitted you to acquire. Remember that the men who wish to rule over you are they who, in pursuit of this plan of despotism, annulled the sacred contracts which they had made with your ancestors; conveyed into your cities a mercenary soldiery to compel you to submission by insult and murder; who called your patience cowardice, your piety hypocrisy."

Countrymen, the men who now invite you to surrender your rights into their hands are the men who have let loose the merciless savages to riot in the blood of their brethren; who have dared to establish Popery triumphant in our land; who have taught treachery to your slaves, and courted them to assassinate your wives and children.

These are the men to whom we are exhorted to sacrifice the blessings which Providence holds out to us; the happiness, the dignity, of uncontrolled freedom and independence.

Let not your generous indignation be directed against any among us who may advise so absurd and maddening a measure. Their number is but few, and daily decreases; and the spirit which can render them patient of slavery will render them contemptible enemies.

Our union is now complete; our Constitution composed, established and approved. You are now the guardians of your own liberties. We may justly address you, as the *decemviri* did the Romans, and say, "Nothing that we propose can pass into a law without

your consent. Be yourselves, O Americans, the authors of those laws on which your happiness depends."

You have now in the field armies sufficient to repel the whole force of your enemies and their base and mercenary auxiliaries. The hearts of your soldiers beat high with the spirit of freedom; they are animated with the justice of their cause, and while they grasp their swords can look up to Heaven for assistance. Your adversaries are composed of wretches who laugh at the rights of humanity, who turn religion into derision, and would, for higher wages, direct their swords against their leaders or their country. Go on, then, in your generous enterprise with gratitude to Heaven for past success, and confidence of it in the future. For my own part, I ask no greater blessing than to share with you the common danger and common glory. If I have a wish dearer to my soul than that my ashes may be mingled with those of a Warren and Montgomery, it is that these American States may never cease to be free and independent.

Otis, James, a famous American orator and patriot, born at West Barnstable, Mass, February 5, 1725, died at Andover, Mass, May 23, 1783. He was an ardent lover of liberty, and in 1761 came into general notice by his eloquent pleading against the " Writs of Assistance " which the officers of the customs had applied for. Continuing active in his resistance to oppression he was largely instrumental in causing the Stamp Act Congress to be called in 1765. Threatened with arrest for his bold course he yet remained constant in his support of the principles of liberty and in 1767 resigned his office of judge advocate and renounced all government employment. His oratory was of a passionate strain and his vehemence more than once harmed the cause he had at heart. As the result of an assault upon him in 1769 the remainder of his career was passed under a mental cloud.

AGAINST " WRITS OF ASSISTANCE."

SPEECH DELIVERED BEFORE THE SUPERIOR COURT IN BOSTON, FEBRUARY, 1761.

May it please your honors, I was desired by one of the court to look into the books, and consider the question now before them concerning Writs of Assistance. I have, accordingly, considered it, and now appear not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare that, whether under a fee or not (for in such a cause as this I despise a fee), I will to my dying day oppose with all the powers and faculties God has given me

all such instruments of slavery on the one hand, and villainy on the other, as this writ of assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law book. I must, therefore, beg your honors' patience and attention to the whole range of an argument, that may, perhaps, appear uncommon in many things, as well as to points of learning that are more remote and unusual; that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as Advocate-General; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this cause from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown; and as it is in opposition to a kind of power, the exercise of which, in former periods of history, cost one king of England his head and another his throne. I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare that I cheerfully submit myself to every odious name for con-

science' sake; and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct that are worthy of a gentleman or a man are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country.

These manly sentiments, in private life, make the good citizen; in public life, the patriot and the hero. I do not say that when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial; but if ever I should, it will be then known how far I can reduce to practice principles which I know to be founded in truth. In the meantime I will proceed to the subject of this writ.

Your honors will find in the old books concerning the office of a justice of the peace precedents of general warrants to search suspected houses. But in more modern books, you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed; and will find it adjudged that special warrants only are legal. In the same manner I rely on it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted, for I beg leave to make some observations on the writ itself before I proceed to other acts of Parliament. In the first place the writ is universal, being

directed "to all and singular justices, sheriffs, constables, and all other officers and subjects"; so, that, in short, it is directed to every subject in the king's dominions. Every one with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder any one within the realm. In the next place, it is perpetual; there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him. Fourthly, by this writ, not only deputies, etc., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us; to be the servant of servants, the most despicable of God's creation? Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts.

Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he indorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath day acts, or that of profane swearing. As soon as he had finished Mr. Ware asked him if he had done. He replied: "Yes." "Well then," said Mr. Ware, "I will show you a little of my power. I command you to permit me to search your house for uncustomed goods"; and went on to search the house from the garret to the cellar, and then served the constable in the same manner! But to show another absurdity in this writ, if it should be established, I insist upon it that every person, by the 14th Charles II., has this power as well as the custom house officers. The words are: "It shall be lawful for any person or persons authorized," etc. What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness, to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defence; one arbitrary exertion will provoke another, until society be involved in tumult and in blood. . .

[John Adams says that after this exordium Otis continued under four several headings which he gives thus—taking the exordium as the first:]

2. "He asserted that every man, merely natural, was an independent sovereign, subject to no law but

the law written on his heart and revealed to him by his Maker, in the constitution of his nature, and the inspiration of his understanding and his conscience. His right to his life, his liberty, no created being could rightfully contest. Nor was his right to his property less incontestable. The club that he had snapped from a tree, for a staff or for defence, was his own. His bow and arrow were his own; if by a pebble he had killed a partridge or a squirrel, it was his own. No creature, man or beast, had a right to take it from him. If he had taken an eel, or a smelt, or a sculpin, it was his property. In short, he sported upon this topic with so much wit and humor, and at the same time with so much indisputable truth and reason, that he was not less entertaining than instructive. He asserted that these rights were inherent and inalienable; that they never could be surrendered or alienated, but by idiots or madmen, and all the acts of idiots and lunatics were void, and not obligatory, by all the laws of God and man. Nor were the poor negroes forgotten. Not a Quaker in Philadelphia, or Mr. Jefferson in Virginia, ever asserted the rights of negroes in stronger terms. Young as I was, and ignorant as I was, I shuddered at the doctrine he taught; and I have all my life shuddered, and still shudder, at the consequences that may be drawn from such premises. Shall we say that the rights of masters and servants clash, and can be decided only by force? I adore the idea of gradual abolitions! but who shall decide how fast or how slowly these abolitions shall be made?

3. "From individual independence he proceeded to association. If it was inconsistent with the dignity

of human nature to say that men were gregarious animals, like wild geese, it surely could offend no delicacy to say that they were social animals by nature; that there were natural sympathies, and, above all, the sweet attraction of the sexes, which must soon draw them together in little groups, and by degrees in larger congregations, for mutual assistance and defence. And this must have happened before any formal covenant, by express words or signs, was concluded. When general councils and deliberations commenced, the objects could be no other than the mutual defence and security of every individual for his life, his liberty and his property. To suppose them to have surrendered these in any other way than by equal rules and general consent was to suppose them idiots or madmen, whose acts were never binding. To suppose them surprised by fraud, or compelled by force into any other compact, such fraud and such force could confer no obligation. Every man had a right to trample it under foot whenever he pleased. In short, he asserted these rights to be derived only from nature and the Author of Nature; that they were inherent, inalienable, and indefeasible by any laws, pacts, contracts, covenants, or stipulations which man could devise.

4. "These principles and these rights were wrought into the English Constitution as fundamental laws. And under this head he went back to the old Saxon laws, and to Magna Charta, and the fifty confirmations of it in Parliament, and the executions ordained against the violators of it, and the national vengeance which had been taken on them from time to time, down to the Jameses and Charleses; and to the Petition of

Right and the Bill of Rights and the Revolution. He asserted that the security of these rights to life, liberty and property had been the object of all those struggles against arbitrary power, temporal and spiritual, civil and political, military and ecclesiastical, in every age. He asserted that our ancestors as British subjects, and we, their descendants, as British subjects, were entitled to all those rights, by the British Constitution, as well as by the law of nature and our provincial charter, as much as any inhabitant of London or Bristol, or any part of England; and were not to be cheated out of them by any phantom of 'virtual representation,' or any other fiction of law or politics, or any monkish trick of deceit and hypocrisy.

5. "He then examined the acts of trade, one by one, and demonstrated that if they were considered as revenue laws, they destroyed all our security of property, liberty and life, every right of nature, and the English Constitution, and the charter of the province. Here he considered the distinction between 'external and internal taxes,' at that time a popular and common-place distinction. But he asserted that there was no such distinction in the theory, or upon any principle but 'necessity.' The necessity that the commerce of the empire should be under one direction was obvious. The Americans had been so sensible of this necessity, that they had connived at the distinction between external and internal taxes, and had submitted to the acts of trade as regulations of commerce, but never as taxations, or revenue laws. Nor had the British Government till now ever dared to enforced them as taxations or revenue laws. They had lain dorman in that charac-

ter for a century almost. The Navigation Act he allowed to be binding upon us, because we had consented to it by our own legislature. Here he gave a history of the Navigation Act of the 1st of Charles II., a plagiarism from Oliver Cromwell. This act had lain dormant for fifteen years. In 1675, after repeated letters and orders from the king, Governor Leverett very candidly informs his Majesty that the law had not been executed because it was thought unconstitutional, Parliament not having authority over us."

Washington, George, the first President of the United States, born at Pope's Creek, Westmoreland Co., Va., Feb. 22, 1732, died at Mount Vernon, Va., Dec. 14, 1799, His career, so familiar to every one, need not be summarized here. He possessed fewer oratorical gifts than many of his less illustrious contemporaries, but on the few occasions upon which he was called to address an audience he spoke with both dignity and impressiveness. The most memorable of these occasions were signalized by the Farewell Address to his brother officers, and his First Inaugural, delivered in New York in April, 1789,

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FIRST INAUGURAL ADDRESS.

DELIVERED IN NEW YORK, APRIL 30, 1789.

Fellow-Citizens of the Senateand of the House of Represeutatives.

AMONG the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time; on the other hand the magnitude and difficulty of the trust to which the voice of my country called

me, being sufficient to awaken, in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpracticed in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impression under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute, with success, the func-

tions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. And, in the important revolution just accomplished, in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with a humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the Executive Department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject further than to refer you to the great constitutional charter under which we are

assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests—so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of a free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world.

I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established than that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness—between duty and advantage—between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity—since we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained—and since

the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient, at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good. For I assure myself that, while you carefully avoided every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and more advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible.

When I was first honored with a call into the service of my country, then on the eve of an arduous

struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuation in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

FAREWELL ADDRESS.

ISSUED SEPTEMBER 19, 1796.

Friends and Fellow-Citizens.

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would

have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation

to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not infrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty,

may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad; of your safety, of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the

conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly

outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and, while it contributes, in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and, in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or

from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same governments, which their own rival ships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and imbitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary

agency of governments for the respective subdivisons, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties,

that with Great Britain, and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by

an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance

irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and

warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection.

It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments into one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is

sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let is simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligations desert the oath which are the instruments of investigation in courts of justice? And let

us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion, should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it, avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The executions of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the per-

formance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiesence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of

them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interests. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and fusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation mak-

ing the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation and excessive dislike of another cause those

whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them de fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a definite course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing (with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them) conventional rules of intercourse, the best that present circumstances and mutual opinion will permit,

but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that

I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the twenty-second of April, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to set-

tle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Adams, John, second President of the United States, born in that portion of Braintree, Mass., now known as Quincy, October 19, 1735, died there, July 4, 1826. During the unquiet period immediately preceding the American Revolution he stoutly defended in print the right of the colonies to rebel, and his speech following what is known as "The Boston Massacre" is a fair specimen of his eloquence. He was popular as an orator, and although his style is grandiose at times it was effective in his day, and his speeches make stirring reading at the present even. An interesting view of his character may be obtained from the "Familiar Letters of John Adams and his Wife."

INAUGURAL ADDRESS.

MARCH 4, 1797.

WHEN it was first perceived in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable powers of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke

to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the Revolutionary War, supplying the place of government, commanded a degree of order, sufficient, at least, for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Bavarian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared with their melancholy consequences—universal languor, jealousies, rivalries of States, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrections, threatening some great national calamity.

In this dangerous crisis the people of America were

not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts; as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had even been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage common with my fellow-citizens in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I entertained a thought of promoting any alteration in

it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State legislature, according to the Constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things; and I have repeatedly laid myself under the most serious obligations to support the Constitution. The operation of it has equalled the most sanguine expectations of its friends; and from a habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired a habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other Chamber of Congress—of a government of which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbors, to make and execute laws for the general good. Can anything essential, anything more than mere ornament and decoration be

added to this by robes or diamonds? Can authority be more amiable or respectable when it descends from accident or institutions established in remote antiquity than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people that are represented; it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object of consideration more pleasing than this can be presented to the human mind? If natural pride is ever justifiable or excusable, it is when it springs not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations

who govern us, and not we, the people, who govern ourselves; and candid men will acknowledge that, in such cases, choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement, which is his voluntary choice, may he live long to enjoy the delicious recollection of his services—the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart and the knowledge that he lives a bulwark against all open or secret enemies of his country's peace.

This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the Legislatures and the people throughout the nation.

On this subject it might become me better to be

silent, or to speak with diffidence; but as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that if a preference upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the Constitution of the individual States, and a constant caution and delicacy toward the State governments; if an equal and impartial regard to the rights, interests, honor, and happiness of all the States in the Union, without preference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; of a love of virtuous men, of all parties and denominations; if a love of science and letters and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution of propagating knowledge, virtue and religion among all classes of people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in

the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity toward the aboriginal nations of America, and a disposition to ameliorate their condition by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and the system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by the government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and by public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship, which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may consider what further measures the honor and interests of the government and its constituents demand; if a resolution to do justice, as far as may depend upon

me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties toward it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted, by experience and age; and with humble reverence, I feel it my duty to add, if a veneration for the religion of the people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect.

With this great example before me—with the sense and spirit, the faith and honor, the duty and interest of the same American people, pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence !

THE BOSTON MASSACRE.

FIRST DAY'S SPEECH IN DEFENCE OF THE BRITISH SOLDIERS ACCUSED OF MURDERING ATTUCKS, GRAY AND OTHERS, IN THE BOSTON RIOT OF 1770.

May it Please Your Honor, and You, Gentlemen of the Jury:

I AM for the prisoner at the bar, and shall apologize for it only in the words of the Marquis Beccaria: "If I can but be the instrument of preserving one life, his blessings and tears of transport shall be a sufficient consolation for me for the contempt of all mankind."

As the prisoners stand before you for their lives, it may be proper to recollect with what temper the law requires we should proceed to this trial. The form of proceeding at their arraignment has discovered that the spirit of the law upon such occasions is conformable to humanity, to common-sense and feeling; that it is all benignity and candor. And the trial commences with the prayer of the court, expressed by the clerk, to the Supreme Judge of judges, empires, and worlds, "God send you a good deliverance."

We find in the rules laid down by the greatest English judges, who have been the brightest of mankind: We are to look upon it as more beneficial that many guilty persons should escape unpunished than one innocent should suffer. The reason is, because it is of more importance to the community that innocence should be protected than it is that guilt should be punished; for guilt and crimes are so frequent in the world that all of them cannot be punished;

and many times they happen in such a manner that it is not of much consequence to the public whether they are punished or not. But when innocence itself is brought to the bar and condemned, especially to die, the subject will exclaim, "It is immaterial whether I behave well or ill, for virtue itself is no security." And if such a sentiment as this should take place in the mind of the subject, there would be an end to all security whatsoever. I will read the words of the law itself.

The rules I shall produce to you from Lord Chief-Justice Hale, whose character as a lawyer, a man of learning and philosophy, and a Christian, will be disputed by nobody living; one of the greatest and best characters the English nation ever produced. His words are these:

2 H. H. P. C. "Tutius semper est errare, in acquietando quam in puniendo, ex parte misericordiæ quam ex parte justitiæ."—"It is always safer to err in acquitting than punishing, on the part of mercy than the part of justice."

The next is from the same authority, 305:

"Tutius erratur ex parte mitiori."—"It is always safer to err on the milder side, the side of mercy."

H. H. P. C. 509. "The best rule in doubtful cases is rather to incline to acquittal than conviction."

And on page 300:

"Quod dubitas, ne feceris."—"Where you are

doubtful never act; that is, if you doubt of the prisoner's guilt, never declare him guilty."

This is always the rule, especially in cases of life. Another rule from the same author, 289, where he says:

"In some cases presumptive evidences go far to prove a person guilty, though there is no express proof of the fact to be committed by him; but then it must be very warily expressed, for it is better five guilty persons should escape unpunished than one innocent person should die."

The next authority shall be from another judge of equal character, considering the age wherein he lived; that is Chancellor Fortescue, in "Praise of the Laws of England," page 59. This is a very ancient writer on the English law. His words are:

"Indeed, one would rather, much rather, that twenty guilty persons escape punishment of death, than one innocent person be condemned and suffer capitally."

Lord Chief-Justice Hale says:

"It is beter five guilty persons escape, than one innocent person suffer."

Lord Chancellor Fortescue, you see, carries the matter further, and says:

"Indeed, one had rather, much rather, that twen-

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ty guilty persons should escape than one innocent person suffer capitally."

Indeed, this rule is not peculiar to the English law; there never was a system of laws in the world in which this rule did not prevail. It prevailed in the ancient Roman law, and, which is more remarkable, it prevails in the modern Roman law. Even the judges in the Courts of Inquisition, who with racks, burnings, and scourges, examine criminals—even there they preserve it as a maxim, that it is better the guilty should escape punishment than the innocent suffer. "Satius esse nocentem absolvi quam innocentem damnari." This is the temper we ought to set out with, and these the rules we are to be governed by. And I shall take it for granted, as a first principle, that the eight prisoners at the bar had better be all acquitted, though we should admit them all to be guilty, than that any one of them should, by your verdict, be found guilty, being innocent.

I shall now consider the several divisions of law under which the evidence will arrange itself.

The action now before you is homicide; that is, the killing of one man by another. The law calls it homicide; but it is not criminal in all cases for one man to slay another. Had the prisoners been on the Plains of Abraham and slain a hundred Frenchmen apiece, the English law would have considered it as a commendable action, virtuous and praiseworthy; so that every instance of killing a man is not a crime in the eyes of the law. There are many other instances which I cannot enumerate—an officer that

executes a person under sentence of death, etc. So that, gentlemen, every instance of one man's killing another is not a crime, much less a crime to be punished with death. But to descend to more particulars.

The law divides homicide into three branches; the first is "justifiable," the second "excusable," and the third "felonious." Felonious homicide is subdivided into two branches; the first is murder, which is killing with malice aforethought; the second is manslaughter, which is killing a man on a sudden provocation. Here, gentlemen, are four sorts of homicide; and you are to consider whether all the evidence amounts to the first, second, third, or fourth of these heads. The fact was the slaying five unhappy persons that night. You are to consider whether it was justifiable, excusable or felonious; and if felonious, whether it was murder or manslaughter. One of these four it must be. You need not divide your attention to any more particulars. I shall, however, before I come to the evidence, show you several authorites which will assist you and me in contemplating the evidence before us.

I shall begin with justifiable homicide. If an officer, a sheriff, execute a man on the gallows, draw and quarter him, as in case of high treason, and cut off his head, this is justifiable homicide. It is his duty. So also, gentlemen, the law has planted fences and barriers around every individual; it is a castle round every man's person, as well as his house. As the love of God and our neighbor comprehends the whole duty of man, so self-love and social comprehend all the

duties we owe to mankind; and the first branch is self-love, which is not only our indisputable right, but our clearest duty. By the laws of nature, this is interwoven in the heart of every individual. God Almighty, whose law we cannot alter, has implanted it there, and we can annihilate ourselves as easily as root out this affection for ourselves. It is the first and strongest principle in our nature. Justice Blackstone calls it "The primary canon in the law of nature." That precept of our holy religion which commands us to love our neighbor as ourselves does not command us to love our neighbor better than ourselves, or so well. No Christian divine has given this interpretation. The precept enjoins that our benevolence to our fellow-men should be as real and sincere as our affection to ourselves, not that it should be as great in degree. A man is authorized, therefore, by common-sense and the laws of England, as well as those of nature, to love himself better than his fellow-subject. If two persons are cast away at sea, and get on a plank (a case put by Sir Francis Bacon), and the plank is insufficient to hold them both, the one has a right to push the other off to save himself. The rules of the common law, therefore, which authorize a man to preserve his own life at the expense of another's, are not contradicted by any divine or moral law. We talk of liberty and property, but if we cut up the law of self-defence, we cut up the foundation of both; and if we give up this, the rest is of very little value, and therefore this principle must be strictly attended to; for whatsoever the law pronounces in the case of these eight soldiers will

be the law to other persons and after ages. All the persons that have slain mankind in this country from the beginning to this day had better have been acquitted than that a wrong rule and precedent should be established.

I shall now read to you a few authorities on this subject of self-defence. Foster, 273 (in the case of justifiable self-defence):

"The injured party may repel force with force in defence of person, habitation, or property, against one who manifestly intendeth and endeavoreth with violence or surprise to commit a known felony upon either. In these cases he is not obliged to retreat, but may pursue his adversary till he finds himself out of danger; and if in a conflict between them he happeneth to kill, such killing is justifiable."

I must entreat you to consider the words of this authority. The injured person may repel force by force against any who endeavoreth to commit any kind of felony on him or his. Here the rule is, I have a right to stand on my own defence, if you intend to commit felony. If any of the persons made an attack on these soldiers, with an intention to rob them, if it was but to take their hats feloniously, they had a right to kill them on the spot, and had no business to retreat. If a robber meet me in the street and command me to surrender my purse, I have a right to kill him without asking any questions. If a person commit a bare assault on me, this will not justify killing; but if he assault me in such a manner as

to discover an intention to kill me, I have a right to destroy him, that I may put it out of his power to kill me. In the case you will have to consider, I do not know there was any attempt to steal from these persons; however, there were some persons concerned who would, probably enough, have stolen, if there had been anything to steal, and many were there who had no such disposition. But this is not the point we aim at. The question is, Are you satisfied the people made the attack in order to kill the soldiers? If you are satisfied that the people, whoever they were, made that assault with a design to kill or maim the soldiers, this was such an assault as will justify the soldiers killing in their own defence. Further, it seems to me, we may make another question, whether you are satisfied that their real intention was to kill or maim, or not? If any reasonable man in the situation of one of these soldiers would have had reason to believe in the time of it, that the people came with an intention to kill him, whether you have this satisfaction now or not in your own minds, they were justifiable, at least excusable in firing. You and I may be suspicious that the people who made this assault on the soldiers did it to put them to flight, on purpose that they might go exulting about the town afterward in triumph; but this will not do. You must place yourselves in the situation of Weems and Killroy—consider yourselves as knowing that the prejudice of the world about you thought you came to dragoon them into obedience, to statutes, instructions, mandates, and edicts, which they thoroughly detested—that many of these people were thoughtless

and inconsiderate, old and young, sailors and landsmen, negroes and mulattoes—that they, the soldiers, had no friends about them, the rest were in opposition to them; with all the bells ringing to call the town together to assist the people in King Street, for they knew by that time that there was no fire; the people shouting, huzzaing, and making the mob whistle, as they call it, which, when a boy makes it in the street is no formidable thing, but when made by a multitude is a most hideous shriek, almost as terrible as an Indian yell; the people crying, "Kill them, kill them. Knock them over," heaving snowballs, oyster shells, clubs, white-birch sticks three inches and a half in diameter; consider yourselves in this situation, and then judge whether a reasonable man in the soldiers' situation would not have concluded they were going to kill him. I believe if I were to reverse the scene, I should bring it home to our own bosoms. Suppose Colonel Marshall when he came out of his own door and saw these grenadiers coming down with swords, etc., have thought it proper to have appointed a military watch; suppose he had assembled Gray and Attucks that were killed, or any other person in town, and appointed them in that situation as a military watch, and there had come from Murray's barracks thirty or forty soldiers with no other arms than snowballs, cakes of ice, oyster shells, cinders, and clubs, and attacked this military watch in this manner, what do you suppose would have been the feelings and reasonings of any of our householders? I confess, I believe they would not have borne one-half of what the witnesses have sworn the soldiers

bore, till they had shot down as many as were necessary to intimidate and disperse the rest; because the law does not oblige us to bear insults to the danger of our lives, to stand still with such a number of people around us, throwing such things at us, and threatening our lives, until we are disabled to defend ourselves.

Foster, 274: "Where a known felony is attempted upon the person, be it to rob or murder, here the party assaulted may repel force with force, and even his own servant, then attendant on him, or any other person present, may interpose for preventing mischief, and if death ensue, the party so interposing will be justified. In this case nature and social duty cooperate."

Hawkins, P. C., Chapter 28, Section 25, toward the end: "Yet it seems that a private person, *a fortiori,* an officer of justice, who happens unavoidably to kill another in endeavoring to defend himself from or suppress dangerous rioters, may justify the fact inasmuch as he only does his duty in aid of the public justice."

Section 24: "And I can see no reason why a person, who, without provocation, is assaulted by another, in any place whatsoever, in such manner as plainly shows an intent to murder him, as by discharging a pistol, or pushing at him with a drawn sword, etc., may not justify killing such an assailant, as much as if he had attempted to rob him. For is not he who attempts to murder me more injurious than he who

barely attempts to rob me? And can it be more justifiable to fight for my goods than for my life?"

And it is not only highly agreable to reason that a man in such circumstances may lawfully kill another, but it seems also to be confirmed by the general tenor of our books, which, speaking of homicide *se defendo,* suppose it done in some quarrel or affray.

Hawkins, p. 71, § 114: "And so, perhaps the killing of dangerous rioters may be justified by any private persons, who cannot otherwise suppress them or defend themselves from them, inasmuch as every private person seems to be authorized by the law to arm himself for the purposes aforesaid."

Here every private person is authorized to arm himself ; and on the strength of this authority I do not deny the inhabitants had a right to arm themselves at that time for their defence, not for offence. That distinction is material, and must be attended to.

Hawkins, p. 75, § 14: "And not only he who on an assault retreats to the wall, or some such strait, beyond which he can go no further before he kills the other, is judged by the law to act upon unavoidable necessity; but also he who being assaulted in such a manner and in such a place that he cannot go back without manifestly endangering his life, kills the other without retreating at all."

Section 16: "And an officer who kills one that insults him in the execution of his office, and where a private person that kills one who feloniously assaults

him in the highway, may justify the fact without ever giving back at all."

There is no occasion for the magistrate to read the Riot Act. In the case before you, I suppose you will be satisfied when you come to examine the witnesses and compare it with the rules of the common law, abstracted from all mutiny acts and articles of war, that these soldiers were in such a situation that they could not help themselves. People were coming from Royal Exchange Lane, and other parts of the town, with clubs and cordwood sticks; the soldiers were planted by the wall of the Custom House; they could not retreat; they were surrounded on all sides, for there were people behind them as well as before them; there were a number of people in the Royal Exchange Lane; the soldiers were so near to the Custom House that they could not retreat, unless they had gone into the brick wall of it. I shall show you presently that all the party concerned in this unlawful design were guilty of what any one of them did; if anybody threw a snowball it was the act of the whole party; if any struck with a club or threw a club, and the club had killed anybody, the whole party would have been guilty of murder in the law. Lord Chief-Justice Holt, in Mawgrige's case (Keyling, 128), says:

"Now, it has been held, that if A of his malice prepense assaults B to kill him, and B draws his sword and attacks A and pursues him, then A, for his safety, gives back and retreats to a wall, and B still pursuing him with his drawn sword, A in his defence kills

B; this is murder in A. For A having malice against B, and in pursuance thereof endeavoring to kill him, is answerable for all the consequences of which he was the original cause. It is not reasonable for any man that is dangerously assaulted, and when he perceives his life in danger from his adversary, but to have liberty for the security of his own life, to pursue him that maliciously assaulted him; for he that has manifested that he has malice against another is not fit to be trusted with a dangerous weapon in his hand. And so resolved by all the judges when they met at Seargeant's Inn, in preparation for my Lord Morley's trial."

In the case here we will take Montgomery, if you please, when he was attacked by the stout man with a stick, who aimed it at his head, with a number of people round him crying out, "Kill them, kill them." Had he not a right to kill the man? If all the party were guilty of the assault made by the stout man, and all of them had discovered malice in their hearts, had not Montgomery a right, according to Lord Chief-Justice Holt, to put it out of their power to wreak their malice upon him? I will not at present look for any more authorities in the point of self-defence; you will be able to judge from these how far the law goes in justifying or excusing any person in defence of himself, or taking away the life of another who threatens him in life or limb. The next point is this: that in case of an unlawful assembly, all and every one of the assembly is guilty of all and every unlawful act committed by any one of that assembly in prosecution of the unlawful design set out upon.

Rules of law should be universally known, whatever effect they may have on politics; they are rules of common law, the law of the land; and it is certainly true, that wherever there is an unlawful assembly, let it consist of many persons or of a few, every man in it is guilty of every unlawful act committed by any one of the whole party, be they more or be they less, in pursuance of their unlawful design. This is the policy of the law; to discourage and prevent riots, insurrections, turbulence, and tumults.

In the continual vicissitudes of human things, amid the shocks of fortune and the whirls of passion that take place at certain critical seasons, even in the mildest government, the people are liable to run into riots and tumults. There are Church-quakes and State-quakes in the moral and political world, as well as earthquakes, storms, and tempests in the physical. Thus much, however, must be said in favor of the people and of human nature, that it is a general, if not a universal truth, that the aptitude of the people to mutinies, seditions, tumults, and insurrections, is in direct proportion to the despotism of the government. In governments completely despotic—that is, where the will of one man is the only law, this disposition is most prevalent. In aristocracies next; in mixed monarchies, less than either of the former; in complete republics the least of all, and under the same form of governments as in a limited monarchy, for example, the virtue and wisdom of the administrations may generally be measured by the peace and order that are seen among the people. However this may be, such is the imperfection of all things in this world, that no form

of government, and perhaps no virtue or wisdom in the administration, can at all times avoid riots and disorders among the people.

Now, it is from this difficulty that the policy of the law has framed such strong discouragements to secure the people against tumults; because, when they once begin, there is danger of their running to such excesses as will overturn the whole system of government. There is the rule from the reverend sage of the law, so often quoted before:

1 H. H. P. C. 437: "All present, aiding and assisting, are equally principal with him that gave the stroke whereof the party died. For though one gave the stroke, yet in interpretation of law it is the stroke of every person that was present, aiding and assisting."

1 H. H. P. C. 440: "If divers come with one assent to do mischief, as to kill, to rob or beat, and one doeth it, they are all principals in the felony. If many be present and one only give the stroke whereof the party dies, they are all principal, if they came for that purpose."

Now, if the party at Dock Square came with an intention only to beat the soldiers, and began to affray with them, and any of them had been accidentally killed it would have been murder, because it was an unlawful design they came upon. If but one does it they are all considered in the eyes of the law guilty; if any one gives the mortal stroke, they are all principals here, therefore there is a reversal of the scene. If you are

satisfied that these soldiers were there on a lawful design, and it should be proved any of them shot without provocation, and killed anybody, he only is answerable for it.

First Hale's Pleas of the Crown, 1 H. H. P. C. 444: "Although if many come upon an unlawful design, and one of the company kill one of the adverse party in pursuance of that design, all are principals; yet if many be together upon a lawful account, and one of the company kill another of the adverse party, without any particular abetment of the rest to this fact of homicide, they are not all guilty that are of the company, but only those that gave the stroke or actually abetted him to do it."

1 H. H. P. C. 445: "In case of a riotous assembly to rob or steal deer, or to do any unlawful act of violence, there the offence of one is the offence of all the company."

In another place, 1 H. H. P. C. 439: "The Lord Dacre and divers others went to steal deer in the park of one Pellham. Raydon, one of the company, killed the keeper in the park, the Lord Dacre and the rest of the company being in the other part of the park. Yet it was adjudged murder in them all, and they died for it." And he quotes Crompton 25, Dalton 93, p. 241: "So that in so strong a case as this, where this nobleman set out to hunt deer in the ground of another, he was in one part of the park and his company in another part, yet they were all guilty of murder."

The next is:

Hale's Pleas of the Crown, 1 H. H. P. C. 440: "The case of Drayton Bassit; divers persons doing an unlawful act, all are guilty of what is done by one."

Foster 353, 354: "A general resolution against all opposers, whether such resolution appears upon evidence to have been actually and implicitly entered into by the confederates, or may reasonably be collected from their number, arms or behavior, at or before the scene of action, such resolutions so proved have always been considered as strong ingredients in cases of this kind. And in cases of homicide committed in consequence of them, every person present, in the sense of the law, when the homicide has been involved in the guilt of him that gave the mortal blow."

Foster: "The cases of Lord Dacre, mentioned by Hale, and of Pudsey, reported by Crompton and cited by Hale, turned upon this point. The offences they respectively stood charged with, as principals, were committed far out of their sight and hearing, and yet both were held to be present. It was sufficient that at the instant the facts were committed, they were of the same party and upon the same pursuit, and under the same engagements and expectations of mutual defence and support with those that did the facts."

Thus far have proceeded, and I believe it will not be hereafter disputed by anybody, that this law ought to be known to every one who has any disposition to be concerned in an unlawful assembly, whatever mischief happens in the prosecution of the design they set out upon, all are answerable for it. It is necessary we

should consider the definitions of some other crimes as well as murder; sometimes one crime gives occasion to another. An assault is sometimes the occasion of manslaughter, sometimes of excusable homicide. It is necessary to consider what is a riot. 1 Hawkins, ch. 65, § 2: I shall give you the definition of it:

Were there not more than three persons in violence, for the accomplishment of any design whatever, all concerned are rioters."

Were there are not more than three persons in Dock Square? Did they not agree to go to King Street, and attack the main guard? Where, then, is the reason for hesitation at calling it a riot? If we cannot speak the law as it is, where is our liberty? And this is law, that wherever more than three persons are gathered together to accomplish anything with force, it is a riot.

1 Hawkins, ch. 65, § 2: "Wherever more than three persons use force and violence, all who are concerned therein are rioters. But in some cases wherein the law authorizes force, it is lawful and commendable to use it. As for a sheriff [And. 67 Poph. 121], or constable [3, H. 7, 10, 6], or perhaps even for a private person [Poph. 121, Moore 656], to assemble a competent number of people, in order with force to oppose rebels or enemies or rioters and afterward, with such force actually to suppress them."

I do not mean to apply the word rebel on this oc-

casion; I have no reason to suppose that ever there was one in Boston, at least among the natives of the country; but rioters are in the same situation, as far as my argument is concerned, and proper officers may suppress rioters, and so may even private persons.

If we strip ourselves free from all military laws, mutiny acts, articles of war and soldiers' oaths, and consider these prisoners as neighbors, if any of their neighbors were attacked in King Street, they had a right to collect together to suppress this riot and combination. If any number of persons meet together at a fair or market, and happen to fall together by the ears, they are not guilty of a riot, but of a sudden affray. Here is another paragraph, which I must read to you:

1 Hawkins, ch. 65, § 3: "If a number of persons being met together at a fair or market, or on any other lawful or innocent occasion, happen, on a sudden quarrel, to fall together by the ears, they are not guilty of a riot, but of a sudden affray only, of which none are guilty but those who actually began it," etc.

It would be endless, as well as superfluous, to examine whether every particular person engaged in a riot were in truth one of the first assembly or actually had a previous knowledge of the design thereof. I have endeavored to produce the best authorities, and to give you the rules of law in their words, for I desire not to advance anything of my own. I choose to lay down the rules of law from authorities which cannot be disputed. Another point is this, whether and how far

a private person may aid another in distress? Suppose a press-gang should come on shore in this town and assault any sailor or householder in King Street, in order to carry him on board one of his Majesty's ships, and impress him without any warrant as a seaman in his Majesty's service; how far do you suppose the inhabitants would think themselves warranted by law to interpose against that lawless press-gang? I agree that such a press-gang would be as unlawful an assembly as that was in King Street. If they were to press an inhabitant and carry him off for a sailor, would not the inhabitants think themselves warranted by law to interpose in behalf of their fellow-citizen? Now, gentlemen, if the soldiers had no right to interpose in the relief of the sentry, the inhabitants would have no right to interpose with regard to the citizen, for whatever is law for a soldier is law for a sailor and for a citizen. They all stand upon an equal footing in this respect. I believe we shall not have it disputed that it would be lawful to go into King Street and help an honest man there against the press-master. We have many instances in the books which authorize it.

Now, suppose you should have a jealousy in your minds that the people who made this attack upon the sentry had nothing in their intention more than to take him off his post, and that was threatened by some. Suppose they intended to go a little further, and tar and feather him, or to ride him (as the phrase is in Hudibras), he would have had a good right to have stood upon his defence—the defence of his liberty; and if he could not preserve that without the

hazard of his own life, he would have been warranted in depriving those of life who were endeavoring to deprive him of his. That is a point I would not give up for my right hand—nay, for my life.

Well, I say, if the people did this, or if this was only their intention, surely the officers and soldiers had a right to go to his relief; and therefore they set out upon a lawful errand. They were, therefore, a lawful assembly, if we only consider them as private subjects and fellow-citizens, without regard to mutiny acts, articles of war, or soldiers' oaths. A private person, or any number of private persons, has a right to go to the assistance of a fellow subject in distress or danger of his life, when assaulted and in danger from a few or a multitude.

Keyl. 136: "If a man perceives another by force to be injuriously treated, pressed, and restrained of his liberty, though the person abused doth not complain or call for aid or assistance, and others, out of compassion, shall come to his rescue, and kill any of those that shall so restrain him, that is manslaughter."

Keyl.: "A and others without any warrant impress B to serve the king at sea. B quietly submitted, and went off with the press-master. Hugett and the others pursued them, and required a sight of their warrant; but they showing a piece of paper that was not a sufficient warrant, thereupon Hugett with the others drew their swords, and the press-masters theirs, and so there was a combat, and those who endeavored to rescue the pressed man killed one of the pretended press-masters. This was but manslaughter; for when

the liberty of one subject is invaded, it affects all the rest. It is a provocation to all people, as being of ill-example and pernicious consequences."

Lord Raymond, 1,301. The Queen *versus* Tooley, *et al.* Lord Chief-Justice Holt says: "The prisoner (*i.e.* Tooley) in this had sufficient provocation; for if one be impressed upon an unlawful authority, it is a sufficient provocation to all people out of compassion; and where the liberty of the subject is invaded, it is a provocation to all the subjects of England, etc.; and surely a man ought to be concerned for Magna Charta and the laws; and if any one, against the law, imprisons a man, he is an offender against Magna Charta."

I am not insensible to Sir Michael Foster's observations on these cases, but apprehend they do not invalidate the authority of them as far as I now apply them to the purposes of my argument. If a stranger, a mere fellow-subject, may interpose to defend the liberty, he may, too, defend the life of another individual. But, according to the evidence, some imprudent people, before the sentry, proposed to take him off his post; others threatened his life; and intelligence of this was carried to the main guard before any of the prisoners turned out. They were then ordered out to relieve the sentry; and any of our fellow-citizens might lawfully have gone upon the same errand. They were, therefore, a lawful assembly.

I have but one point of law more to consider, and that is this: In the case before you I do not pretend to prove that every one of the unhappy persons slain

was concerned in the riot. The authorities read to you just now say it would be endless to prove whether every person that was present and in a riot was concerned in planning the first enterprise or not. Nay, I believe it but justice to say some were perfectly innocent of the occasion. I have reason to suppose that one of them was—Mr. Maverick. He was a very worthy young man, as he has been represented to me, and had no concern in the rioters' proceedings of that night; and I believe the same may be said in favor of one more at least, Mr. Caldwell, who was slain; and, therefore, many people may think that as he and perhaps another was innocent, therefore innocent blood having been shed, that must be expiated by the death of somebody or other. I take notice of this, because one gentleman was nominated by the sheriff for a juryman upon this trial, because he had said he believed Captain Preston was innocent, but innocent blood had been shed, and therefore somebody ought to be hanged for it, which he thought was indirectly giving his opinion in this cause. I am afraid many other persons have formed such an opinion. I do not take it to be a rule, that where innocent blood is shed the person must die. In the instance of the Frenchmen on the Plains of Abraham, they were innocent, fighting for their king and country; their blood is as innocent as any. There may be multitudes killed, when innocent blood is shed on all sides; so that it is not an invariable rule. I will put a case in which, I dare say, all will agree with me. Here are two persons, the father and the son, go out a-hunting. They take different roads.

The father hears a rushing among the bushes, takes it to be game, fires, and kills his son, through a mistake. Here is innocent blood shed, but yet nobody will say the father ought to die for it. So that the general rule of law is, that whenever one person has a right to do an act, and that act, by any accident, takes away the life of another, it is excusable. It bears the same regard to the innocent as to the guilty. If two men are together, and attack me, and I have a right to kill them, I strike at them, and by mistake strike a third and kill him, as I had a right to kill the first, my killing the other will be excusable, as it happened by accident. If I, in the heat of passion, aim a blow at a person who has assaulted me, and aiming at him I kill another person, it is but manslaughter.

Foster, 261, § 3: "If an action unlawful in itself is done deliberately, and with intention of mischief, or great bodily harm to particulars, or of mischief indiscriminately, fall it where it may, and death ensues, against or beside the original intention of the party, it will be murder. But if such mischievous intention doth not appear, which is matter of fact, and to be collected from circumstances, and the act was done heedlessly and inconsiderately, it will be manslaughter, not accidental death; because the act upon which death ensued was unlawful."

Suppose, in this case, the mulatto man was the person who made the assault; suppose he was concerned in the unlawful assembly, and this party of soldiers, endeavoring to defend themselves against him, hap-

pened to kill another person, who was innocent—though the soldiers had no reason, that we know of, to think any person there, at least of that number who were crowding about them, innocent; they might, naturally enough, presume all to be guilty of the riot and assault, and to come with the same design—I say, if on firing on those who were guilty, they accidentally killed an innocent person, it was not their fault. They were obliged to defend themselves against those who were pressing upon them. They are not answerable for it with their lives; for on supposition it was justifiable or excusable to kill Attucks, or any other person, it will be equally justifiable or excusable if in firing at him they killed another, who was innocent; or if the provocation was such as to mitigate the guilt of manslaughter, it will equally mitigate the guilt, if they killed an innocent man undesignedly, in aiming at him who gave the provocation, according to Judge Foster; and as this point is of such consequence, I must produce some more authorities for it:

1 Hawkins, 84: "Also, if a third person, accidentally happen to be killed by one engaged in a combat, upon a sudden quarrel, it seems that he who killed him is guilty of manslaughter only," etc. H. H. P. C., 442, to the same point; and 1 H. H. P. C., 484, and 4 Black, 27.

I shall now consider one question more, and that is concerning provocation. We have hitherto been considering self-defence, and how far persons may go in defending themselves against aggressors, even by taking away their lives, and now proceed to con-

sider such provocations as the law allows to mitigate or extenuate the guilt of killing, where it is not justifiable or excusable. An assault and battery committed upon a man in such a manner as not to endanger his life is such a provocation as the law allows to reduce killing down to the crime of manslaughter. Now, the law has been made on more considerations than we are capable of making at present; the law considers a man as capable of bearing anything and everything but blows. I may reproach a man as much as I please; I may call him a thief, robber, traitor, scoundrel, coward, lobster, bloody back, etc., and if he kill me it will be murder, if nothing else but words precede; but if from giving him such kind of language I proceed to take him by the nose, or fillip him on the forehead, that is an assault; that is a blow. The law will not oblige a man to stand still and bear it; there is the distinction. Hands off; touch me not. As soon as you touch me, if I run you through the heart, it is but manslaughter. The utility of this distinction, the more you think of it the more you will be satisfied with it. It is an assault whenever a blow is struck, let it be ever so slight, and sometimes even without a blow. The law considers man as frail and passionate. When his passions are touched, he will be thrown off his guard, and therefore the law makes allowance for this frailty—considers him as in a fit of passion, not having the possession of his intellectual faculties, and therefore does not oblige him to measure out his blows with a yardstick, or weigh them in a scale. Let him kill with a sword, gun, or hedge-stake, it is not murder, but only manslaughter.

Keyling's Report, 135. Regina *versus* Mawgrige. "Rules supported by authority and general consent, showing what are always allowed to be sufficient provocations. First, if one man upon any words shall make an assault upon another, either by pulling him by the nose or filliping him on the forehead, and he that is so assaulted shall draw his sword and immediately run the other through, that is but manslaughter, for the peace is broken by the person killed, and with an indignity to him that received the assault. Besides, he that was so affronted might reasonably apprehend that he that treated him in that manner might have some further design upon him."

So that here is the boundary, when a man is assaulted and kills in consequence of that assault, it is but manslaughter. I will just read as I go along the definition of assault:

1 Hawkins, ch. 62, § 1: "An assault is an attempt or offer, with force or violence, to do a corporal hurt to another, as by striking at him with or without a weapon, or presenting a gun at him at such a distance to which the gun will carry, or pointing a pitchfork at him, or by any other such like [illegible]t done in angry, threatening manner, etc.; but no words can amount to an assault."

Here is the definition of an assault, which is a sufficient provocation to soften killing down to manslaughter:

1 Hawkins, ch. 31, § 36: "Neither can he be

thought guilty of a greater crime than manslaughter, who, finding a man in bed with his wife, or being actually struck by him, or pulled by the nose or filliped upon the forehead, immediately kills him, or in the defence of his person from an unlawful arrest, or in the defence of his house from those who, claiming a title to it, attempt forcibly to enter it, and to that purpose shoot at it," etc.

Every snowball, oyster shell, cake of ice, or bit of cinder, that was thrown that night at the sentinel, was an assault upon him; every one that was thrown at the party of soldiers was an assault upon them, whether it hit any of them or not. I am guilty of an assault if I present a gun at any person; and if I insult him in that manner and he shoots me, it is but manslaughter.

Foster, 295, 296: "To what I have offered with regard to sudden rencounters let me add, that the blood already too much heated, kindleth afresh at every pass or blow. And in the tumult of the passions, in which the mere instinct of self-preservation has no inconsiderable share, the voice of reason is not heard; and therefore the law, in condescension to the infirmities of flesh and blood, doth extenuate the offence."

Insolent, scurrilous, or slanderous language, when it precedes an assault, aggravates it.

Foster, 316: "We all know that words of reproach, how grating and offensive soever, are in the eye of the law no provocation in the case of voluntary

homicide; and yet every man who hath considered the human frame, or but attended to the workings of his own heart, knoweth that affronts of that kind pierce deeper and stimulate in the veins more effectually than a slight injury done to a third person, though under the color of justice, possibly can."

I produce this to show the assault in this case was aggravated by the scurrilous language which preceded it. Such words of reproach stimulate in the veins and exasperate the mind, and no doubt if an assault and battery succeeds them, killing under such provocation is softened to manslaughter, but killing without such provocation makes it murder.

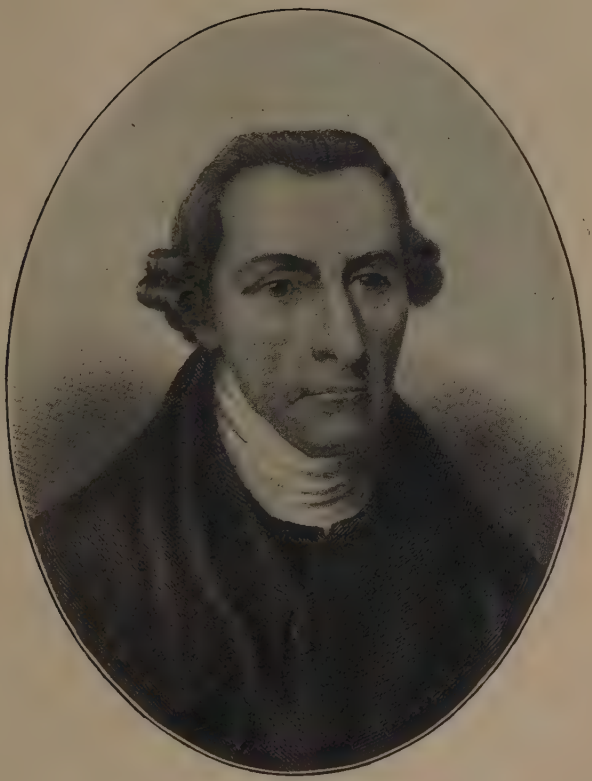
Henry, Patrick, a celebrated American orator and patriot, born at Studley, Hanover Co., Va., May 29, 1736; died at Red Hill, Charlotte Co., Va., June 6, 1799. Adopting, the profession of law, he quickly secured a large practice, and in May, 1765, was elected to the House of Burgesses. The news of the passage of the Stamp Act had just been received in America and Henry at once introduced before the House resolutions condemning the Act as unconstitutional and a menace to liberty, supporting them by a speech of the most impassioned eloquence which made him famous from that moment. Other notable speeches of his are those on "The Bill of Rights," "A Nation—not a Federation," "Liberty or Empire," The somewhat extravagant judgment of some of his American contemporaries classed him as the greatest of orators, but without going to such lengths it may be said that his place is *with* the greatest. Henry was five times governor of the State of Virginia, but declined all public office after 1786.

"GIVE ME LIBERTY OR GIVE ME DEATH."

DELIVERED IN THE VIRGINIA CONVENTION, ON A RESOLUTION TO PUT THE COMMONWEALTH INTO A STATE OF DEFENCE, MARCH 23, 1775.

Mr. President:

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if, entertaining as I do opinions of a character very opposite to theirs, I



PATRICK HENRY.

shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those, who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future by the past. And judging by the past, I wish to know what there has been in the conduct of the British Ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house. Is it that

insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, What means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British Ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find, which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicat-

ed; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the Ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon, until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left for us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are

invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come. I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

"WE, THE PEOPLE" OR "WE, THE STATES"?

DELIVERED IN THE VIRGINIA CONVENTION, JUNE 4, 1778, ON THE PREAMBLE AND THE FIRST TWO SECTIONS OF THE FIRST ARTICLE OF THE FEDERAL CONSTITUTION.

Mr, Chairman:

THE public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this Commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to the present delusive appearance of things. Before the meeting of the late Federal Convention at Philadelphia, a general peace and a universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the Republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the

utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It goes to the annihilation of these solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians; those treaties bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our Federal Government is of a most alarming nature; make the best of this new government—say it is composed of anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the Republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our Republic will be lost. It will be necessary for this convention to

have a faithful historical detail of the facts that preceded the session of the Federal Convention, and the reasons that actuated its members in proposing an entire alteration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late Federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear, and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask who authorized them to speak the language of "We, the People," instead of "We, the States"? States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of all the States. I have the highest respect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonial of esteem for them. America had, on a former occasion, put the utmost confidence in them—a confidence which was well placed; and I am sure, sir, I would

give up anything to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty, which he has given us by his valor tells me to ask this reason, and sure I am, were he here, he would give us that reason: but there are other gentlemen here who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult, has happened; everything has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment in different parts of the country, which has been occasioned by this perilous innovation. The Federal Convention ought to have amended the old system; for this purpose they were solely delegated: the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

"A NATION—NOT A FEDERATION."

DELIVERED IN THE VIRGINIA CONVENTION ON THE EIGHTH SECTION OF THE FEDERAL CONSTITUTION.

Mr. Chairman:

It is now confessed that this is a national government. There is not a single federal feature in it. It has been alleged, within these walls, during the debates, to be national and federal, as it suited the arguments of gentlemen.

But now, when we have heard of the definition of it, it is purely national. The honorable member was pleased to say that the sword and purse included everything of consequence. And shall we trust them out of our hands without checks and barriers? The sword and purse are essentially necessary for the government. Every essential requisite must be in Congress. Where are the purse and sword of Virginia? They must go to Congress. What is become of your country? The Virginian government is but a name. It clearly results, from his last argument, that we are to be consolidated. We should be thought unwise, indeed, to keep two hundred legislators in Virginia, when the government is, in fact, gone to Philadelphia or New York. We are, as a State, to form no part of the government. Where are your checks? The most essential objects of government are to be administered by Congress. How, then, can the State governments be any check upon them? If we are to be a republican government, it will be consolidated, not confederated.

The means, says the gentleman, must be commensurate to the end. How does this apply? All things in common are left with this government. There being an infinitude in the government, there must be an infinitude of means to carry it on. This is a sort of mathematical government that may appear well on paper, but cannot sustain examination, or be safely reduced to practice. The delegation of power to an adequate number of representatives, and an unimpeded reversion of it back to the people, at short periods, form the principal traits of a republican government. The idea of a republican government, in that paper, is something superior to the poor people. The governing persons are the servants of the people. There, the servants are greater than their masters; because it includes infinitude, and infinitude excludes every idea of subordination. In this the creature has destroyed and soared above the creator. For if its powers be infinite, what rights have the people remaining? By that very argument, despotism has made way in all countries where the people unfortunately have been enslaved by it. We are told, the sword and purse are necessary for the national defence. The junction of these, without limitation, in the same hands, is, by logical and mathematical conclusions, the description of despotism.

The reasons adduced here to-day have long ago been advanced in favor of passive obedience and non-resistance. In 1688, the British nation expelled their monarch for attempting to trample on their liberties. The doctrine of Divine Right and Passive Obedience was said to be commanded by Heaven—it was incul-

cated by his minions and adherents. He wanted to possess, without control, the sword and the purse. The attempt cost him his crown. This government demands the same powers. I see reason to be more and more alarmed. I fear it will terminate in despotism. As to his objection of the abuse of liberty, it is denied. The political inquiries and promotions of the peasants are a happy circumstance. A foundation of knowledge is a great mark of happiness. When the spirit of inquiry after political discernment goes forth among the lowest of the people, it rejoices my heart. Why such fearful apprehensions? I defy him to show that liberty has been abused. There has been no rebellion here, though there was in Massachusetts. Tell me of any country which has been so long without a rebellion. Distresses have been patiently borne in this country, which would have produced revolutions in other countries. We strained every nerve to make provisions to pay off our soldiers and officers. They, though not paid, and greatly distressed at the conclusion of the war, magnanimously acquiesced. The depreciation of the circulating currency very much involved many of them, and thousands of other citizens, in absolute ruin; but the same patient fortitude and forbearance marked their conduct. What would the people of England have done in such a situation? They would have resisted the government, and murdered the tyrant. But in this country no abuse of power has taken place. It is only a general assertion, unsupported, which suggests the contrary. Individual licentiousness will show its baneful consequences in every country, let its government be what it may.

But the honorable gentleman says responsibility will exist more in this than in the British Government. It exists more in name than anything else. I need not speak of the executive authority. But consider the two houses—the American Parliament. Are the members of the Senate responsible? They may try themselves, and, if found guilty on impeachment, are to be only removed from office. In England the greatest characters are brought to the block for their sinister administration. They have a power there, not to dismiss them from office, but from life, for malpractices. The king himself cannot pardon in this case. How does it stand with respect to your lower house? You have but ten. Whatever number may be there, six is a majority. Will your country afford no temptation, no money to corrupt them? Cannot six fat places be found to accommodate them? They may, after the first Congress, take any place. There will be a multiplicity of places. Suppose they corruptly obtain places. Where will you find them to punish them? At the furthest part of the Union; in the ten miles square, or within a State where there is a stronghold. What are you to do when these men return from Philadelphia? Two things are to be done. To detect the offender and bring him to punishment. You will find it difficult to do either.

In England, the proceedings are openly transacted. They deliver their opinions freely and openly. They do not fear all Europe. Compare it to this. You cannot detect the guilty. The publication from time to time is merely optional in them. They may prolong the period, or suppress it altogether, under pre-

tence of its being necessary to be kept secret. The yeas and nays will avail nothing. Is the publication daily? It may be a year, or once in a century. I know this would be an unfair construction in the common concerns of life. But it would satisfy the words of the Constitution. It would be some security were it once a year, or even once in two years. When the new election comes on, unless you detect them, what becomes of your responsibility? Will they discover their guilt when they wish to be re-elected? This would suppose them to be, not only bad men, but foolish men, in pursuit of responsibility. Have you a right to scrutinize into the conduct of your representatives? Can any man, who conceives himself injured, go and demand a sight of their journals? But it will be told that I am suspicious. I am answered, to every question, that they will be good men. In England, they see daily what is doing in Parliament. They will hear from their Parliament in one thirty-ninth part of the time that we shall hear from Congress in this scattered country. Let it be proposed, in England, to lay a poll tax, or enter into any measure, that will injure one part and produce emoluments to another, intelligence will fly quickly as the rays of light to the people. They will instruct their representatives to oppose it, and will petition against it, and get it prevented or redressed instantly. Impeachment follows quickly a violation of duty. Will it be so here? You must detect the offence, and punish the defaulter. How will this be done when you know not the offender, even though he had a previous design to commit the misdemeanor? Your Parliament will consist of sixty-

five. Your share will be ten out of the sixty-five. Will they not take shelter, by saying they were in the minority—that the men from New Hampshire and Kentucky out-voted them? Thus will responsibility, that great pillar of a free government, be taken away.

The honorable gentleman wished to try the experiment. Loving his country as he does, he would not surely wish to trust his happiness to an experiment, from which much harm, but no good, may result.

I will speak another time, and will not fatigue the committee now. I think the friends of the opposition ought to make a pause here; for I can see no safety to my country, if you give up this power.

THE BILL OF RIGHTS.

DELIVERED IN THE VIRGINIA CONVENTION ON THE ADOPTION OF THE FEDERAL CONSTITUTION, JUNE 14, 1788.

Mr. Chairman:

THE necessity of a Bill of Rights appears to me to be greater in this government than ever it was in any government before. I have observed already that the sense of the European nations, and particularly Great Britain, is against the construction of rights being retained which are not expressly relinquished. I repeat that all nations have adopted this construction—that all rights not expressly and unequivocally reserved to the people are impliedly and incidentally relinquished to rulers, as necessarily inseparable from the delegated powers. It is so in Great Britain; for every pos-

sible right, which is not reserved to the people by some express provision or compact, is within the king's prerogative. It is so in that country which is said to be in such full possession of freedom. It is so in Spain, Germany, and other parts of the world. Let us consider the sentiments which have been entertained by the people of America on this subject. At the Revolution, it must be admitted that it was their sense to set down those great rights which ought, in all countries, to be held inviolable and sacred. Virginia did so, we all remember. She made a compact to reserve, expressly, certain rights.

When fortified with full, adequate, and abundant representation, was she satisfied with that representation? No. She most cautiously and guardedly reserved and secured those invaluable, inestimable rights and privileges which no people inspired with the least glow of patriotic liberty ever did, or ever can, abandon. She is called upon now to abandon them and dissolve that compact which secured them to her. She is called upon to accede to another compact which most infallibly supersedes and annihilates her present one. Will she do it? This is the question. If you intend to reserve your inalienable rights, you must have the most express stipulation; for if implication be allowed, you are ousted of those rights. If the people do not think it necessary to reserve them, they will be supposed to be given up. How were the congressional rights defined when the people of America united by a confederacy to defend their liberties and rights against the tyrannical attempts of Great Britain? The States were not then contented with implied reserva-

tion. No, Mr. Chairman. It was expressly declared in our Confederation that every right was retained by the States, respectively, which was not given up to the government of the United States. But there is no such thing here. You, therefore, by a natural and unavoidable implication, give up your rights to the general government.

Your own example furnishes an argument against it. If you give up these powers, without a Bill of Rights, you will exhibit the most absurd thing to mankind that ever the world saw—a government that has abandoned all its powers—the powers of direct taxation, the sword, and the purse. You have disposed of them to Congress, without a Bill of Rights—without check, limitation, or control. And still you have checks and guards; still you keep barriers—pointed where? Pointed against your weakened, prostrated, enervated State government! You have a Bill of Rights to defend you against the State government, which is bereaved of all power, and yet you have none against Congress, though in full and exclusive possession of all power! You arm yourselves against the weak and defenceless, and expose yourselves naked to the armed and powerful. Is not this conduct of unexampled absurdity? What barriers have you to oppose to this most strong, energetic government. To that government who have nothing to oppose. All your defence is given up. This is a real, actual defect. It must strike the mind of every gentleman. When our government was first instituted in Virginia, we declared the common law of England to be in force.

That system of law which has been admired and has protected us and our ancestors is excluded by that system. Added to this, we adopted a Bill of Rights. By this Constitution some of the best barriers of human rights are thrown away. Is there not an additional reason to have a Bill of Rights? By the ancient common law the trial of all facts is decided by a jury of impartial men from the immediate vicinage. This paper speaks of different juries from the common law in criminal cases; and in civil controversies excludes trial by jury altogether. There is, therefore, more occasion for the supplementary check of a Bill of Rights now than then. Congress, from their general powers, may fully go into the business of human legislation. They may be legislative in criminal cases, from treason to the lowest offence—petty larceny. They may define crimes and prescribe punishments. In the definition of crimes, I trust they will be directed by what wise representatives ought to be governed by. But when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives. What says our Bill of Rights?—"that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Are you not, therefore, now calling on those gentlemen who are to compose Congress to prescribe trials and define punishments without this control? Will they find sentiments there similar to this Bill of Rights? You let them loose; you do more—you depart from the genius of your country. That paper tells you that the trial of crimes shall be by jury, and held in the State where the crime shall have been

committed. Under this extensive provision, they may proceed in a manner extremely dangerous to liberty; a person accused may be carried from one extremity of the State to another, and may be tried not by an impartial jury of the vicinage, acquainted with his character and the circumstances of the fact, but by a jury unacquainted with both, and who may be biased against him. Is not this sufficient to alarm men? How different is this from the immemorial practice of your British ancestors and your own! I need not tell you that, by the common law, a number of hundreders were required on a jury, and that afterward it was sufficient if the jurors came from the same county. With less than this the people of England have never been satisfied. That paper ought to have declared the common law in force.

In this business of legislation, your members of Congress will lose the restrictions of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments. These are prohibited by your Declaration of Rights. What has distinguished our ancestors? That they would not admit of tortures, or cruel or barbarous punishment. But Congress may introduce the practice of the civil law, in preference to that of the common law. They may introduce the practice of France, Spain and Germany—of torturing to extort a confession of crime. They will say that they might as well draw examples from those countries as from Great Britain, and they will tell you that there is such a necessity of strengthening the arm of government that they must have a criminal equity, and extort confession by torture, in

order to punish with still more relentless severity. We are then lost and undone. And can any man think it troublesome, when we can, by a small interference, prevent our rights from being lost? If you will, like the Virginia government, give them knowledge of the extent of the rights retained by the people, and the powers of themselves, they will, if they be honest men, thank you for it. Will they not wish to go on sure grounds? But if you leave them otherwise, they will not know how to proceed; and, being in a state of uncertainty, they will assume rather than give up powers of implication.

A Bill of Rights may be summed up in a few words. What do they tell us? That our rights are reserved. Why not say so? Is it because it will consume too much paper? Gentlemen's reasoning against a Bill of Rights does not satisfy me. Without saying which has the right side, it remains doubtful. A Bill of Rights is a favorite thing with the Virginians and the people of the other States likewise. It may be their prejudice, but the government ought to suit their geniuses; otherwise its operation will be unhappy. A Bill of Rights, even if its necessity be doubtful, will exclude the possibility of dispute; and, with great submission, I think the best way is to have no dispute. In the present Constitution they are restrained from issuing general warrants to search suspected places, or seize persons not named, without evidence of the commission of a fact, etc. There was certainly some celestial influence governing those who deliberated on that Constitution; for they have, with the most cautious and enlightened circumspection, guarded

those indefeasible rights which ought ever to be held sacred! The officers of Congress may come upon you now, fortified with all the terrors of paramount federal authority. Excisemen may come in multitudes; for the limitation of their numbers no man knows. They may, unless the general government be restrained by a Bill of Rights, or some similar restriction, go into your cellars and rooms, and search, ransack, and measure, everything you eat, drink, and wear. They ought to be restrained within proper bounds. With respect to the freedom of the press, I need say nothing; for it is hoped that the gentlemen who shall compose Congress will take care to infringe as little as possible the rights of human nature. This will result from their integrity. They should, from prudence, abstain from violating the rights of their constituents. They are not, however, expressly restrained. But whether they will intermeddle with that palladium of our liberties or not, I leave you to determine.

LIBERTY OR EMPIRE?

DELIVERED IN THE VIRGINIA CONVENTION, JUNE 5, 1788.

WHAT, sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this:

"CLAUSE III.—That government is, or ought to be, instituted for the common benefit, protection and

security of the people, nation, or community. Of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that whenever any government shall be found inadequate or contrary to those purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

This, sir, is the language of democracy—that a majority of the community have a right to alter government when found to be oppressive. But how different is the genius of your new Constitution from this! How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority! If, then, gentlemen standing on this ground are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, sir, it appears perilous and destructive. I cannot help thinking so. Perhaps it may be the result of my age. These may be feelings natural to a man of my years, when the American spirit has left him, and his mental powers, like the members of the body, are decayed. If, sir, amendments are left to the twentieth, or tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practiced in the House

of Commons in England, and that many of the members raise themselves to preferments by selling the rights of the whole of the people. But, sir, the tenth part of that body cannot continue oppressions on the rest of the people. English liberty is, in this case, on a firmer foundation than American liberty. It will be easily contrived to procure the opposition of one-tenth of the people to any alteration, however judicious. The honorable gentleman who presides told us to prevent abuses in our government, we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust imposed in them. Oh, sir! we should have fine times, indeed, if, to punish tyrants, it were only sufficient to assemble the people! Your arms, wherewith you could defend yourselves, are gone; and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in a nation, brought about by the punishment of those in power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America.

A standing army we shall have, also, to execute the execrable commands of tyranny; and how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your mace-bearer be a match for a disciplined regiment. In what situation are we to be? The clause before you gives a power of direct taxation, unbounded and un-

limited—an exclusive power of legislation, in all cases whatsoever, for ten miles square, and over all places purchased for the erection of forts, magazines, arsenals, dockyards, etc. What resistance could be made? The attempt would be madness. You will find all the strength of this country in the hands of your enemies; their garrisons will naturally be the strongest places in the country. Your militia is given up to Congress, also, in another part of this plan; they will therefore act as they think proper: all power will be in their own possession. You cannot force them to receive their punishment: of what service would militia be to you, when, most probably, you will not have a single musket in the State? For, as arms are to be provided by Congress, they may or may not furnish them.

Let me here call your attention to that part which gives the Congress the power "to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." By this, sir, you see that their control over our last and best defence is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless; the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed is ridiculous; so that this pretended little remains of power left to the States may, at the pleasure of Congress, be rendered nugatory.

Our situation will be deplorable indeed: nor can we ever expect to get this government amended, since I have already shown that a very small minority may prevent it, and that a small minority interested in the continuance of the oppression. Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example where rulers overcharged with power willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country; but a willing relinquishment of power is one of those things which human nature never was, nor ever will be capable of.

The honorable gentleman's observations respecting the people's right of being the agents in the formation of this government are not accurate, in my humble conception. The distinction between a national government and a confederacy is not sufficiently discerned. Had the delegates who were sent to Philadelphia a power to propose a consolidated government instead of a confederacy? Were they not deputed by States, and not by the people? The assent of the people, in their collective capacity, is not necessary to the formation of a federal government. The people have no right to enter into leagues, alliances, or confederations; they are not the proper agents for this purpose. States and foreign powers are the only proper agents for this kind of government. Show me an instance where the people have exercised this business. Has

it not always gone through the Legislatures? I refer you to the treaties with France, Holland, and other nations. How were they made? Were they not made by the States? Are the people, therefore, in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the Legislatures, the people having sent delegates to make any proposition for changing the government. Yet I must say, at the same time, that it was made on grounds the most pure; and, perhaps, I might have been brought to consent to it as far as to the change of government. But there is one thing in it which I never would acquiesce in. I mean the changing it into a consolidated government, which is so abhorrent to my mind.

The honorable gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland, which, according to the substance of the notes, he attributes to the present feeble government. An opinion has gone forth, we find, that we are contemptible people; the time has been when we were thought otherwise. Under the same despised government we commanded the respect of all Europe; wherefore are we now reckoned otherwise? The American spirit has fled from hence; it has gone to regions where it has never been expected; it has gone to the people of France in search of a splendid government, a strong, energetic government. Shall we imitate the example of those nations who have gone from a simple to a splendid government? Are those nations more worthy of our imitation? What can

make an adequate satisfaction to them for the loss they have suffered in attaining such a government—for the loss of their liberty? If we admit this consolidated government, it will be because we like a great, splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different; liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty; our glorious forefathers of Great Britain made liberty the foundation of everything. That country is become a great, mighty, and splendid nation; not because their government is strong and energetic, but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors; by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together. Such a government is incompatible with the genius of republicanism. There will be no checks, no real balances in this government. What can avail your specious, imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances? But, sir, "we are not feared by foreigners; we do not make nations tremble." Would this constitute happiness or secure lib-

erty? I trust, sir, our political hemisphere will ever direct their operations to the security of those objects.

Consider our situation, sir; go to the poor man and ask him what he does. He will inform you that he enjoys the fruits of his labor, under his own fig tree, with his wife and children around him, in peace and security. Go to every other member of society; you will find the same tranquil ease and content; you will find no alarms or disturbances. Why, then, tell us of danger, to terrify us into an adoption of this new form of government? And yet who knows the dangers that this new system may produce? They are out of the sight of the common people; they cannot foresee latent consequences. I dread the operation of it on the middling and lower classes of people; it is for them I fear the adoption of this system. I fear I tire the patience of the committee, but I beg to be indulged with a few more observations. When I thus confess myself an advocate for the liberty of the people, I shall be told I am a designing man, that I am to be a great man, that I am to be a demagogue; and many similar illiberal insinuations will be thrown out: but, sir, conscious rectitude outweighs those things with me. I see great jeopardy in this new government. I see none from our present one. I hope some gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them. I have said that I thought this a consolidated government; I will now prove it. Will the great rights of the people be secured by this government? Suppose it should prove oppressive, how can it be altered? Our Bill of Rights declares that "a ma-

jority of the community hath an indubitable, unalienable and indefeazible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

I have just proved that one-tenth, or less, of the people of America—a—most despicable minority—may prevent this reform or alteration. Suppose the people of Virginia should wish to alter their government; can a majority of them do it? No; because they are connected with other men, or, in other words, consolidated with other States. When the people of Virginia, at a future day, shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own Constitution made your government changeable; but the power of changing it is gone from you. Whither is it gone? It is placed in the same hands that hold the rights of twelve other States, and those who hold those rights have right and power to keep them. It is not the particular government of Virginia; one of the leading features of that government is that a majority can alter it when necessary for the public good. This government is not a Virginian, but an American government. Is it not, therefore, a consolidated government? The sixth clause of your Bill of Rights tells you "that elections of members to serve as representatives of the people in assembly ought to be free, and that all men having sufficient evidence of permanent common interest with and attachment to the community, have the right of suffrage, and cannot be

taxed, or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good." But what does this Constitution say? The clause under consideration gives an unlimited and unbounded power of taxation. Suppose every delegate from Virginia opposes a law laying a tax; what will it avail? They are oppressed by a majority; eleven members can destroy their efforts: those feeble ten cannot prevent the passage of the most oppressive tax law; so that, in direct opposition to the spirit and express language of your Declaration of Rights, you are taxed, not by your own consent, but by people who have no connection with you.

The next clause of the Bill of Rights tells you "that all power of suspending law, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised." This tells us that there can be no suspension of government or laws without our own consent; yet this Constitution can counteract and suspend any of our laws that contravene its oppressive operation; for they have the power of direct taxation, which suspends our Bill of Rights; and it is expressly provided that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the States. Consider how the only remaining defence we have left is destroyed in this manner. Besides the expenses of maintaining the Senate and other House in as much splendor

as they please, there is to be a great and mighty President, with very extensive powers—the powers of a king. He is to be supported in extravagant magnificence; so that the whole of our property may be taken by this American Government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure. I might be thought too inquisitive, but I believe I should take up very little of your time in enumerating the little power that is left to the government of Virginia, for this power is reduced to little or nothing; their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the States; their ten-mile square, with all the fine ornaments of human life, added to their powers, and taken from the States, will reduce the power of the latter to nothing.

The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy the name of Americans, they will preserve, and hand down to their last posterity, the transactions of the present times; and, though I confess my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty; for I never will give up the power of direct taxation but for a scourge. I am willing to give it conditionally; that is, after non-compliance with requisitions. I will do more, sir, and what I hope will convince the most sceptical man that I am a lover of the American Union; that, in case Virginia shall not make punctual payment, the control of our custom houses, and the whole regulation of trade, shall be given to Congress, and that Virginia shall depend on Congress even for

passports, till Virginia shall have paid the last farthing, and furnished the last soldier. Nay, sir, there is another alternative to which I would consent; even that they should strike us out of the Union and take away from us all federal privileges, till we comply with federal requisitions: but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the States, more terrible than the mother country, to join against us, I hope Virginia could defend herself; but, sir, the dissolution of the Union is most abhorrent to my mind. The first thing I have at heart is American liberty; the second thing is American union; and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the Southern States is far greater than that of New England; consequently, in a short time, they will be far more numerous than the people of that country. Consider this, and you will find this State more particularly interested to support American liberty and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech gentlemen, at all hazards, not to give up this unlimited power of taxation. The honorable gentleman has told us that these powers, given to Congress, are accompanied by a judiciary which will correct all. On examination, you will find this very judiciary oppressively constructed, your jury trial destroyed, and the judges dependent on Congress. . . .

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they

appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints toward monarchy; and does not this raise indignation in the breast of every true American? Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government, although horribly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; and, sir, would not all the world, from the Eastern to the Western Hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt.

If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him, and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design; and,

sir, will the American spirit solely relieve you when this happens? I would rather infinitely—and I am sure most of this Convention are of the same opinion—have a king, lords, and commons, than a government so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them; but the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot with patience think of this idea. If ever he violate the laws, one of two things will happen; he will come at the head of the army to carry everything before him; or he will give bail, or do what Mr. Chief-Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything and being ignominiously tried and punished powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army beat down every opposition? Away with your President! we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

Hancock, John, a distinguished American patriot and orator, born in that portion of Braintree, Mass., now known as Quincy, January 12, 1737 ; dled there, October 8, 1793. He inherited a large fortune and rose to prominence as a merchant in Boston, becoming a member of the colonial legislature in 1766. The skirmish between the rabble and the soldiers, since known as " The Boston Massacre," occurred in 1770, and Hancock's oration at the funeral of the victims was so strongly condemned that his arrest was sought by the authorities. Like Samuel Adams he was exempted from the free pardon offered to rebels in 1775. In that same year he was chosen President of the Continental Congress, and he was the first one to sign the Declaration of Independence. He was the first governor oê the State of Massachusetts, aud save for a two-years interval, was re-elected annually until his death.

ORATION ON THE BOSTON MASSACRE.

DELIVERED MARCH 5, 1774.

MEN, BRETHREN, FATHERS, AND FELLOW COUNTRYMEN,—The attractive gravity, the venerable appearance of this crowded audience; the dignity which I behold in the countenances of so many in this great assembly; the solemnity of the occasion upon which we have met together joined to a consideration of the part I am to take in the important business of this day, fill me with an awe hitherto unknown, and heighten the sense which I have ever had, of my unworthiness to fill this sacred desk. But, allured by the call of some of my respected fellow citizens, with whose request it is always my greatest pleasure to comply, I almost

forgot my want of ability to perform what they required.

In this situation I find my only support in assuring myself that a generous people will not severely censure what they know was well intended, though its want of merit should prevent their being able to applaud it. And I pray that my sincere attachment to the interest of my country, and hearty detestation of every design formed against her liberties, may be admitted as some apology for my appearance in this place.

I have always, from my earliest youth, rejoiced in the felicity of my fellow men; and have ever considered it as the indispensable duty of every member of society to promote, as far as in him lies, the prosperity of every individual, but more especially of the community to which he belongs; and also, as a faithful subject of the state, to use his utmost endeavors to detect, and having detected, strenuously to oppose every traitorous plot which its enemies may devise for its destruction. Security to the persons and properties of the governed is so obviously the design and end of civil government that to attempt a logical proof of it would be like burning tapers at noonday to assist the sun in enlightening the world; and it cannot be either virtuous or honorable to attempt to support a government of which this is not the great and principal basis; and it is to the last degree vicious and infamous to attempt to support a government which manifestly tends to render the persons and properties of the governed insecure.

Some boast of being friends to government; I am

a friend to righteous government, to a government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny. Is the present system, which the British administration have adopted for the government of the colonies, a righteous government—or is it tyranny? Here suffer me to ask (and would to heaven there could be an answer), what tenderness, what regard, respect or consideration has Great Britain shown, in their late transactions, for the security of the persons or properties of the inhabitants of the colonies? Or rather what have they omitted doing to destroy that security.

They have declared that they have ever had, and of right ought ever to have, full power to make laws of sufficient validity to bind the colonies in all cases whatever. They have exercised this pretended right by imposing a tax upon us without our consent; and lest we should show some reluctance at parting with our property her fleets and armies are sent to enforce their mad pretensions.

The town of Boston, ever faithful to the British crown, has been invested by a British fleet, the troops of George III. have crossed the wide Atlantic, not to engage an enemy, but to assist a band of traitors in trampling on the rights and liberties of his most loyal subjects in America—those rights and liberties which, as a father, he ought ever to regard, and as a king he is bound in honor to defend from violation, even at the risk of his own life.

Let not the history of the illustrious house of Brunswick inform posterity that a king descended from that

glorious monarch, George II., once sent his British subjects to conquer and enslave his subjects in America. But be perpetual infamy entailed upon that villain who dared to advise his master to such execrable measures; for it was easy to foresee the consequences which so naturally followed upon sending troops into America to enforce obedience to acts of the British Parliament which neither God nor man ever empowered them to make. It was reasonable to expect that troops who knew the errand they were sent upon would treat the people whom they were to subjugate with a cruelty and haughtiness which too often buries the honorable character of a soldier in the disgraceful name of an unfeeling ruffian. The troops, upon their first arrival, took possession of our senate house and pointed their cannon against the judgment hall, and even continued them there whilst the supreme court of judicature for this province was actually sitting to decide upon the lives and fortunes of the king's subjects. Our streets nightly resounded with the noise of riot and debauchery; our peaceful citizens were hourly exposed to shameful insults, and often felt the effects of their violence and outrage.

But this was not all: as though they thought it not enough to violate our civil rights they endeavored to deprive us of the enjoyment of our religious privileges; to vitiate our morals, and thereby render us deserving of destruction. Hence the rude din of arms which broke in upon your solemn devotions in your temples on that day hallowed by heaven and set apart by God himself for his peculiar worship. Hence impious oaths and blasphemies so often tor-

tured your unaccustomed ear. Hence all the arts which idleness and luxury could invent were used to betray our youth of one sex into extravagance and effeminacy, and of the other, to infamy and ruin; and did they not succeed but too well? Did not a reverence for religion sensibly decay? Did not our infants almost learn to lisp out curses before they knew their horrid import? Did not our youth forget they were Americans, and regardless of the admonitions of the wise and aged servilely copy from their tyrants those vices which finally must overthrow the empire of Great Britain? And must I be compelled to acknowledge that even the noblest, fairest part of the lower creation did not entirely escape the cursed snare? When virtue has once erected her throne within the female breast it is upon so solid a basis that nothing is able to expel the heavenly inhabitant. But have there not been some, few indeed, I hope, whose youth and inexperience have rendered them a prey to wretches whom, upon the least reflection, they would have despised and hated as foes to God and their country? I fear there have been some such unhappy instances, or why have I seen an honest father clothed with shame; or why a virtuous mother drowned in tears?

But I forbear, and come reluctantly to the transactions of that dismal night when in such quick succession we felt the extremes of grief, astonishment and rage; when heaven in anger, for a dreadful moment, suffered hell to take the reins; when Satan with his chosen band opened the sluices of New England's

blood, and sacrilegiously polluted our land with the dead bodies of her guiltless sons!

Let this sad tale of death never be told without a tear: let not the heaving bosom cease to burn with a manly indignation at the barbarous story through the long tracts of future time: let every parent tell the shameful story to his listening children until tears of pity glisten in their eyes and boiling passions shake their tender frames; and whilst the anniversary of that ill-fated night is kept a jubilee in the grim court of pandemonium, let all America join in one common prayer to heaven that the inhuman, unprovoked murders of the 5th of March, 1770, planned by Hillsborough and a knot of treacherous knaves in Boston, and executed by the cruel hand of Preston and his sanguinary coadjutors, may ever stand on history without a parallel.

But what, my countrymen, withheld the ready arm of vengeance from executing instant justice on the vile assassins? Perhaps you feared promiscuous carnage might ensue, and that the innocent might share the fate of those who had performed the infernal deed. But were not all guilty? Were you not too tender of the lives of those who came to fix a yoke on your necks? But I must not too severely blame a fault which great souls only can commit. May that magnificence of spirit which scorns the low pursuits of malice, may that generous compassion which often preserves from ruin even a guilty villain, forever actuate the noble bosoms of Americans!

But let not the miscreant host vainly imagine that we feared their arms. No; them we despised; we dread

nothing but slavery. Death is the creature of a poltroon's brains; 'tis immortality to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night the pale-faced moon, and the affrighted stars that hurried through the sky, can witness that we fear not death. Our hearts which, at the recollection, glow with rage that four revolving years have scarcely taught us to restrain, can witness that we fear not death; and happy it is for those who dared to insult us that their naked bones are not now piled up an everlasting monument of Massachusetts' bravery.

But they retired, they fled, and in that flight they found their only safety. We then expected that the hand of public justice would soon inflict that punishment upon the murderers which by the laws of God and man they had incurred. But let the unbiased pen of a Robertson, or perhaps some equally famed American, conduct this trial before the great tribunal of succeeding generations. And though the murderers may escape the just resentment of an enraged people; though drowsy justice, intoxicated by the poisonous draught prepared for her cup, still nods upon her rotten seat, yet be assured such complicated crimes will meet their due reward. Tell me, ye bloody butchers! ye villains high and low! ye wretches who contrived as well as you who executed the inhuman deed! do you not feel the goads and stings of conscious guilt pierce through your savage bosoms? Though some of you may think yourselves exalted to a height that bids defiance to human justice; and others shroud yourselves beneath the mask of hypoc-

risy, and build your hopes of safety on the low arts of cunning, chicanery, and falsehood; yet do you not sometimes feel the gnawings of that worm which never dies? Do not the injured shades of Maverick, Gray, Caldwell, Attucks, and Carr, attend you in your solitary walks; arrest you even in the midst of your debaucheries, and fill even your dreams with terror? But if the unappeased manes of the dead should not disturb their murderers, yet surely even your obdurate hearts must shrink, and your guilty blood must chill within your rigid veins, when you behold the miserable Monk, the wretched victim of your savage cruelty. Observe his tottering knees, which scarce sustain his wasted body; look on his haggard eyes; mark well the death-like paleness on his fallen cheek, and tell me, does not the sight plant daggers in your souls? Unhappy Monk! cut off in the gay morn of manhood, from all the joys which sweeten life, doomed to drag on a pitiful existence without even a hope to taste the pleasures of returning health! Yet Monk, thou livest not in vain; thou livest a warning to thy country, which sympathizes with thee in thy sufferings; thou livest an affecting, an alarming instance of the unbounded violence which lust of power, assisted by a standing army, can lead a traitor to commit.

For us he bled and now languishes. The wounds by which he is tortured to a lingering death were aimed at our country! Surely the meek-eyed charity can never behold such sufferings with indifference. Nor can her lenient hand forbear to pour oil and wine

into these wounds, and to assuage, at least, what it cannot heal.

Patriotism is ever united with humanity and compassion. This noble affection which impels us to sacrifice everything dear, even life itself, to our country, involves in it a common sympathy and tenderness for every citizen, and must ever have a particular feeling for one who suffers in a public cause. Thoroughly persuaded of this, I need not add a word to engage your compassion and bounty towards a fellow citizen who, with long protracted anguish, falls a victim to the relentless rage of our common enemies.

Ye dark designing knaves, ye murderers, parricides! how dare you tread upon the earth which has drank in the blood of slaughtered innocents, shed by your wicked hands? How dare you breathe that air which wafted to the ear of heaven the groans of those who fell a sacrifice to your accursed ambition? But if the laboring earth doth not expand her jaws; if the air you breathe is not commissioned to be the minister of death; yet, hear it and tremble! The eye of heaven penetrates the darkest chambers of the soul, traces the leading clue through all the labyrinths which your industrious folly has devised; and you, however you may have screened yourselves from human eyes, must be arraigned, must lift your hands, red with the blood of those whose death you have procured, at the tremendous bar of God!

But I gladly quit the gloomy theme of death and leave you to improve the thought of that important day when our naked souls must stand before that Being from whom nothing can be hid. I would not

dwell too long upon the horrid effects which have already followed from quartering regular troops in this town. Let our misfortunes teach posterity to guard against such evils for the future. Standing armies are sometimes (I would by no means say generally, much less universally) composed of persons who have rendered themselves unfit to live in civil society; who have no other motives of conduct than those which a desire of the present gratification of their passions suggests; who have no property in any country; men who have given up their own liberties and envy those who enjoy liberty; who are equally indifferent to the glory of a George or a Louis; who, for the addition of one penny a day to their wages would desert from the Christian cross and fight under the crescent of the Turkish sultan.

From such men as these what has not a state to fear? With such as these usurping Cæsar passed the Rubicon; with such as these he humbled mighty Rome and forced the mistress of the world to own a master in a traitor. These are the men whom sceptred robbers now employ to frustrate the designs of God and render vain the bounties which his gracious hand pours indiscriminately upon his creatures. By these the miserable slaves in Turkey, Persia, and many other extensive countries are rendered truly wretched, though their air is salubrious and their soil luxuriously fertile. By these, France and Spain, though blessed by nature with all that administers to the convenience of life, have been reduced to that contemptible state in which they now appear; and by these, Britain—but if I was possessed of the gift of

prophecy I dare not, except by divine command, unfold the leaves on which the destiny of that once powerful kingdom is inscribed.

But since standing armies are so hurtful to a state, perhaps my countrymen may demand some substitute, some other means of rendering us secure against the incursions of a foreign enemy. But can you be one moment at a loss? Will not a well-disciplined militia afford you ample security against foreign foes? We want not courage; it is discipline alone in which we are exceeded by the most formidable troops that ever trod the earth. Surely our hearts flutter no more at the sound of war than did those of the immortal band of Persia, the Macedonian phalanx, the invincible Roman legions, the Turkish janissaries, the gens d'armes of France, or the well-known grenadiers of Britain.

A well-disciplined militia is a safe, an honorable guard to a community like this, whose inhabitants are by nature brave, and are laudably tenacious of that freedom in which they were born. From a well-regulated militia we have nothing to fear; their interest is the same with that of the state. When a country is invaded, the militia are ready to appear in its defence; they march into the field with that fortitude which a consciousness of the justice of their cause inspires; they do not jeopard their lives for a master who considers them only as the instruments of his ambition, and whom they regard only as the daily dispenser of the scanty pittance of bread and water.

No, they fight for their houses, their lands, for their

wives, their children, for all who claim the tenderest names, and are held dearest in their hearts; they fight *pro aris et focis,* for their liberty, and for themselves, and for their God. And let it not offend if I say that no militia ever appeared in more flourishing condition than that of this province now doth; and pardon me if I say, of this town in particular. I mean not to boast; I would not excite envy, but manly emulation.

We have all one common cause; let it, therefore, be our only contest who shall most contribute to the security of the liberties of America. And may the same kind Providence which has watched over this country from her infant state still enable us to defeat our enemies.

I cannot here forbear noticing the signal manner in which the designs of those who wish not well to us have been discovered. The dark deeds of a treacherous cabal have been brought to public view. You now know the serpents who, whilst cherished in your bosoms, were darting their envenomed stings into the vitals of the Constitution.

But the representatives of the people have fixed a mark on these ungrateful monsters, which, though it may not make them so secure as Cain of old, yet renders them at least as infamous. Indeed, it would be affrontive to the tutelar deity of this country even to despair of saving it from all the snares which human policy can lay.

True it is that the British ministry have annexed a salary to the office of the governor of this province, to be paid out of a revenue raised in America without

our consent. They have attempted to render our courts of justice the instruments of extending the authority of acts of the British Parliament over this colony, by making the judges dependent on the British administration for their support. But this people will never be enslaved with their eyes open. The moment they knew that the governor was not such a governor as the charter of the province points out, he lost his power of hurting them. They were alarmed; they suspected him, have guarded against him, and he has found that a wise and a brave people, when they know their danger, are fruitful in expedients to escape it.

The courts of judicature, also, so far lost their dignity, by being supposed to be under an undue influence, that our representatives thought it absolutely necessary to resolve that they were bound to declare that they would not receive any other salary besides that which the General Court should grant them; and if they did not make this declaration, that it would be the duty of the House to impeach them.

Great expectations were also formed from the artful scheme of allowing the East India Company to export tea to America upon their own account. This certainly, had it succeeded, would have effected the purpose of the contrivers and gratified the most sanguine wishes of our adversaries. We soon should have found our trade in the hands of foreigners, and taxes imposed on everything which we consumed; nor would it have been strange if in a few years a company in London should have purchased an exclusive right of trading to America.

But their plot was soon discovered. The people soon were aware of the poison which, with so much craft and subtility, had been concealed. Loss and disgrace ensued: and, perhaps this long-concerted masterpiece of policy may issue in the total disuse of tea in this country, which will eventually be the saving of the lives and the estates of thousands.

Yet while we rejoice that the adversary has not hitherto prevailed against us, let us by no means put off the harness. Restless malice and disappointed ambition will still suggest new measures to our inveterate enemies. Therefore, let us also be ready to take the field whenever danger calls; let us be united and strengthen the hands of each other by promoting a general union among us. Much has been done by the committees of correspondence for this and the other towns of this province toward uniting the inhabitants; let them still go on and prosper. Much has been done by the committees of correspondence, for the houses of assembly, in this and our sister colonies, for uniting the inhabitants of the whole continent for the security of their common interest. May success ever attend their generous endeavors.

But permit me here to suggest a general congress of deputies from the several houses of assembly on the continent as the most effectual method of establishing such an union as the present posture of our affairs require.

At such a congress a firm foundation may be laid for the security of our rights and liberties; a system may be formed for our common safety, by a strict adherence to which we shall be able to frustrate any

attempts to overthrow our Constitution; restore peace and harmony in America, and secure honor and wealth to Great Britain even against the inclinations of her ministers, whose duty it is to study her welfare; and we shall also free ourselves from those unmannerly pillagers who impudently tell us that they are licensed by an act of the British Parliament to thrust their dirty hands into the pockets of every American. But I trust the happy time will come when, with the besom of destruction, those noxious vermin will be swept forever from the streets of Boston.

Surely you never will tamely suffer this country to be a den of thieves. Remember, my friends, from whom you sprang. Let not a meanness of spirit unknown to those whom you boast of as your fathers excite a thought to the dishonor of your mothers. I conjure you by all that is dear, by all that is honorable, by all that is sacred, not only that ye pray, but that ye act; that, if necessary, ye fight, and even die, for the prosperity of our Jerusalem. Break in sunder, with noble disdain, the bonds with which the Philistines have bound you. Suffer not yourselves to be betrayed, by the soft arts of luxury and effeminacy, into the pit digged for your destruction. Despise the glare of wealth. That people who pay greater respect to a wealthy villain than to an honest, upright man in poverty, almost deserve to be enslaved; they plainly show that wealth, however it may be acquired, is, in their esteem, to be preferred to virtue.

But I thank God that America abounds in men who are superior to all temptation; whom nothing can

divert from a steady pursuit of the interest of their country; who are at once its ornament and safeguard. And sure I am I should not incur your displeasure if I paid a respect, so justly due to their much honored characters, in this place. But when I name an Adams, such a numerous host of fellow patriots rush upon my mind that I fear it would take up too much of your time should I attempt to call over the illustrious roll.

But your grateful hearts will point you to the men; and their revered names in all succeeding times shall grace the annals of America. From them let us, my friends, take example; from them let us catch the divine enthusiasm; and feel, each for himself, the god-like pleasure of diffusing happiness on all around us; of delivering the oppressed from the iron grasp of tyranny; of changing the hoarse complaints and bitter moans of wretched slaves into those cheerful songs which freedom and contentment must inspire.

There is a heartfelt satisfaction in reflecting on our exertions for the public weal which all the sufferings an enraged tyrant can inflict will never take away; which the ingratitude and reproaches of those whom we have saved from ruin cannot rob us of. The virtuous asserter of the rights of mankind merits a reward which even a want of success in his endeavors to save his country, the heaviest misfortune which can befall a genuine patriot, cannot entirely prevent him from receiving.

I have the most animating confidence that the present noble struggle for liberty will terminate gloriously for America. And let us play the man for our

God, and for the cities of our God; while we are using the means in our power, let us humbly commit our righteous cause to the great Lord of the universe, who loveth righteousness and hateth iniquity. And having secured the approbation of our hearts, by a faithful and unwearied discharge of our duty to our country, let us joyfully leave our concerns in the hands of him who raiseth up and putteth down the empires and kingdoms of the world as he pleases; and with cheerful submission to his sovereign will devoutly say, "Although the fig-tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the field shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls; yet we will rejoice in the Lord, we will joy in the God of our salvation."

Paine, Thomas, a famous Anglo-American patriot, orator and free-thinker, born at Thetford, Norfolk, England, Jan. 29, 1737 ; died at New Rochelle, N.Y., June 8, 1809. He emigrated to America in 1774, and finding employment in Philadelphia, put forth early in 1776 the pamphlet " Common Sense," which was a leading factor in final triumph of the American cause. Between December of that year and December 1783, appeared the sixteen numbers of his publication " The Crisis," in the first of which occurs the famous phrase, " These are the times that try men's souls." He was one of the most popular men in the colonies at this time, and was made secretary to the Committee on Foreign Affairs by Congress in 1777, and later sent on the mission to France with Laurens. In 1792 he was elected a member of the French National Convention, but was presently thrown into prison by Robespierre, escaping the guillotine by accident. In 1802, when he returned to the United States, his former popularity had vanished, very largely on account of his publication of his " Age of Reason," and he died in obscuity. Paine had many of the orator's qualifications—readiness, skill in arranging his facts, keen satire, an abundance of wit, and a knowledge of the human heart.

SPEECH IN THE FRENCH NATIONAL CONVENTION.

DELIVERED JULY 7, 1795.

CITIZENS,—The effects of a malignant fever with which I was afflicted during a rigorous confinement in the Luxembourg have thus long prevented me from attending at my post in the bosom of the convention, and the magnitude of the subject under discussion,

and no other consideration on earth, could induce me now to repair to my station.

A recurrence to the vicissitudes I have experienced, and the critical situation in which I have been placed in consequence of the French revolution, will throw upon what I now propose to submit to the convention the most unequivocal proofs of my integrity and the rectitude of those principles which have uniformly influenced my conduct.

In England I was proscribed for having vindicated the French revolution, and I have suffered a rigorous imprisonment in France for having pursued a similar mode of conduct. During the reign of terrorism I was a close prisoner for eight long months, and remained so above three months after the era of the 10th Thermidor. I ought, however, to state that I was not persecuted by the people either of England or France. The proceedings in both countries were the effects of the despotism existing in their respective governments. But, even if my persecution had originated in the people at large, my principles and conduct would still have remained the same. Principles which are influenced and subject to the control of tyranny have not their foundation in the heart.

A few days ago I transmitted to you, by the ordinary mode of distribution, a short treatise entitled "Dissertation on the First Principles of Government." This little work I did intend to have dedicated to the people of Holland, who, about the time I began to write it, were determined to accomplish a revolution in their government, rather than to the people of

France, who had long before effected that glorious object. But there are, in the constitution which is about to be ratified by the convention, certain articles, and in the report which preceded it certain points, so repugnant to reason and incompatible with the true principles of liberty as to render this treatise, drawn up for another purpose, applicable to the present occasion, and under this impression I presumed to submit it to your consideration.

If there be faults in the constitution it were better to expunge them now than to abide the event of their mischievous tendency; for certain it is that the plan of the constitution which has been presented to you is not consistent with the grand object of the revolution, nor congenial to the sentiments of the individuals who accomplished it.

To deprive half the people in a nation of their rights as citizens is an easy matter in theory or on paper, but it is a most dangerous experiment and rarely practicable in the execution.

I shall now proceed to the observations I have to offer on this important subject; and I pledge myself that they shall be neither numerous nor diffusive.

In my apprehension a constitution embraces two distinct parts or objects, the principle and the practice; and it is not only an essential but an indispensable provision that the practice should emanate from and accord with the principle. Now I maintain that the converse of this proposition is the case in the plan of the constitution under discussion. The first article, for instance, of the political state of citizens (*vide.* Title II of the Constitution) says:

"Every man born and resident of France, who, being twenty-one years of age, has inscribed his name on the civic register of his canton, and who has lived afterward one year on the territory of the republic, and who pays any direct contribution whatsoever, real or personal, is a French citizen."

I might ask here, if those only who come under the above description are to be considered as citizens, what designation do you mean to give the rest of the people? I allude to that portion of the people on whom the principal part of the labor falls, and on whom the weight of indirect taxation will in the event chiefly press. In the structure of the social fabric, this class of people are infinitely superior to that privileged order whose only qualification is their wealth or territorial possessions. For what is trade without merchants? What is land without cultivation? And what is the produce of the land without manufactures? But to return to the subject.

In the first place, this article is incompatible with the three first articles of the declaration of rights, which precede the constitution act.

The first article of the declaration of rights says:

"The end of society is the public good; and the institution of government is to secure to every individual the enjoyment of his rights."

But the article of the constitution to which I have just adverted proposes as the object of society, not the public good, or in other words, the good of all, but a partial good, or the good only of a few; and the con-

stitution provides solely for the rights of this few to the exclusion of the many.

The second article of the declaration of rights, says:

"The rights of man in society are liberty, equality, and security of his person and property."

But the article alluded to in the constitution has a direct tendency to establish the converse of this position, inasmuch as the persons excluded by this inequality can neither be said to possess liberty nor security against oppression. They are consigned totally to the caprice and tyranny of the rest.

The third article of the declaration of rights says:

"Liberty consists in such acts of volition as are not injurious to others."

But the article of the constitution on which I have observed breaks down this barrier. It enables the liberty of one part of society to destroy the freedom of the other.

Having thus pointed out the inconsistency of this article to the declaration of rights I shall proceed to comment on that part of the same article which makes a direct contribution a necessary qualification to the right of citzenship.

A modern refinement on the object of public revenue has divided the taxes or contributions into two classes, the direct and the indirect, without being able to define precisely the distinction or difference between them, because the effect of both is the same.

Those are designated indirect taxes which fall upon the consumers of certain articles on which the tax is imposed, because, the tax being included in the price, the consumer pays it without taking notice of it.

The same observation is applicable to the territorial tax. The land proprietors, in order to reimburse themselves, will rack-rent their tenants: the farmer, of course, will transfer the obligation to the miller by enhancing the price of grain; the miller to the baker, by increasing the price of flour; and the baker to the consumer, by raising the price of bread. The territorial tax, therefore, though called direct, is in its consequences indirect.

To this tax the land proprietor contributes only in proportion to the quantity of bread and other provisions that are consumed in his own family. The deficit is furnished by the great mass of the community, which comprehends every individual of the nation.

From the logical distinction between the direct and indirect taxation, some emolument may result, I allow, to auditors of public accounts, etc., but to the people at large I deny that such a distinction (which by the way is without a difference) can be productive of any practical benefit. It ought not, therefore, to be admitted as a principle in the constitution.

Besides this objection, the provision in question does not affect to define, secure, or establish the right of citizenship. It consigns to the caprice or discretion of the legislature the power of pronouncing who shall or shall not, exercise the functions of a citizen; and this may be done effectually, either by the imposition of a direct or indirect tax, according to the selfish

views of the legislators, or by the mode of collecting the taxes so imposed.

Neither a tenant who occupies an extensive farm, nor a merchant or manufacturer, who may have embarked a large capital in their respective pursuits, can ever, according to this system, attain the pre-emption of a citizen. On the other hand, any upstart who has by succession or management got possession of a few acres of land, or a miserable tenement, may exultingly exercise the functions of a citizen, although perhaps neither possesses a hundredth part of the worth of property of a simple mechanic, nor contributes in any proportion to the exigencies of the state.

The contempt in which the old government held mercantile pursuits, and the obloquy that attached on merchants and manufacturers, contributed not a little to its embarrassments and its eventual subversion; and, strange to tell, though the mischiefs arising from this mode of conduct are so obvious, yet an article is proposed for your adoption which has a manifest tendency to restore a defect inherent in the monarchy.

I shall now proceed to the second article of the same title, with which I shall conclude my remarks.

The second article says:

"Every French soldier who shall have served one or more campaigns in the cause of liberty is deemed a citizen of the republic without any respect or reference to other qualifications."

It should seem that in this article the committee were desirous of extricating themselves from a dilem-

ma into which they had been plunged by the preceding article. When men depart from an established principle they are compelled to resort to trick and subterfuge, always shifting their means to preserve the unity of their objects; and as it rarely happens that the first expedient makes amends for the prostitution of principle, they must call in aid a second of a more flagrant nature to supply the deficiency of the former. In this manner legislators go on accumulating error upon error, and artifice upon artifice, until the mass becomes so bulky and incongruous, and their embarrassment so desperate, that they are compelled, as their last expedient, to resort to the very principle they had violated. The committee were precisely in this predicament when they framed this article; and to me, I confess, their conduct appears specious rather than efficacious.

It was not for himself alone, but for his family, that the French citizen at the dawn of the revolution (for then indeed every man was considered a citizen) marched soldier-like to the frontiers and repelled a foreign invasion. He had it not in his contemplation that he should enjoy liberty for the residue of his earthly career, and by his own act preclude his offspring from that inestimable blessing. No! He wished to leave it as an inheritance to his children, and that they also might hand it down to their latest posterity. If a Frenchman who united in his person the character of a soldier and a citizen was now to return from the army to his peaceful habitation, he must address his family in this manner: "Sorry I am that I cannot leave to you a small portion of what I have

acquired by exposing my person to the ferocity of our enemies and defeating their machinations. I have helped to establish the republic, and, painful the reflection, all the laurels which I have won in the field are blasted, and all the privileges to which my exertions have entitled me extend not beyond the period of my own existence!" Thus the measure that has been adopted by way of subterfuge falls short of what the framers of it speculated upon; for in conciliating the affections of the soldier they have subjected the father to the most pungent sensations by obliging him to adopt a generation of slaves.

Citizens, a great deal has been urged respecting insurrections. I am confident that no man has a greater abhorrence of them than myself, and I am sorry that any insinuations should have been thrown out against me as a promoter of violence of any kind. The whole tenor of my life and conversation gives the lie to those calumnies and proves me to be a friend to order, truth, and justice.

I hope you will attribute this effusion of my sentiments to my anxiety for the honor and success of the revolution. I have no interest distinct from that which has a tendency to meliorate the condition of mankind. The revolution, as far as it respects myself, has been productive of more loss and persecution than it is possible for me to describe or for you to indemnify. But with respect to the subject under consideration I could not refrain from declaring my sentiments.

In my opinion, if you subvert the basis of the revolution, if you dispense with principles and substitute expedients, you will extinguish that enthusiasm and

energy which have hitherto been the life and soul of the revolution; and you will substitute in its place nothing but a cold indifference and self-interest which will again degenerate into intrigue, cunning, and effeminacy.

But to discard all considerations of a personal and subordinate nature, it is essential to the well-being of the republic that the practical or organic part of the constitution should correspond with its principles; and as this does not appear to be the case in the plan that has been presented to you it is absolutely necessary that it should be submitted to the revision of a committee who should be instructed to compare it with the declaration of rights, in order to ascertain the difference between the two and to make such alterations as shall render them perfectly consistent and compatible with each other.

Rutledge, John, an American statesman and orator, born in Charleston, S. C., 1739; died there, July 18, 1800. He was educated for the law in London, and establishing himself in his native city in 1761 he soon became prominent in professional and public affairs. He was a delegate to the Stamp Act Congress in 1765, and on this occasion made a spirited defence of the principles of colonial union, and also urged resistance against foreign oppression. He was a member of the first Continental Congress, and was termed by Patrick Henry, "by far the greatest orator in that body." His State chose him its governor and commander-in-chief of its army in 1779, and at the end of the American Revolution he was elected to Congress and was among the framers of the Constitution. In 1795 he became Chief-justice of South Carolina. Among his more notable speeches is the one delivered before the General Assembly of South Carolina, in January, 1782.

SPEECH TO THE GENERAL ASSEMBLY.

[Governor Rutledge delivered the following speech to the General Assembly of South Carolina, met at Jacksonburgh, in that State, on Friday, the eighteenth day of January, 1782. It evinces his unwearied zeal and attention to the interests of the colonies, and presents a vivid picture of the perfidy, rapine, and cruelty which distinguished the British arms in the southern campaign.

HONORABLE GENTLEMEN OF THE SENATE, MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES, — Since the last meeting of a general assembly the good people of this State have not only felt the common calamities of war, but from the wanton and savage manner in which it has been prosecuted they have experienced such severities as

are unpractised and will scarcely be credited by civilized nations.

The enemy unable to make any impression on the northern States, the number of whose inhabitants and the strength of whose country had baffled their repeated efforts, turned their views towards the southern, which a difference of circumstances afforded some expectation of conquering, or at least of greatly distressing. After a long resistance the reduction of Charleston was effected by the vast superiority of force with which it had been besieged. The loss of that garrison, as it consisted of the Continental troops of Virginia and the Carolinas, and of a number of militia, facilitated the enemy's march into the country and their establishment of strong posts in the upper and interior parts of it, and the unfavorable issue of the action near Camden induced them vainly to imagine that no other army could be collected which they might not easily defeat.

The militia, commanded by the Brigadiers Sumter and Marion, whose enterprising spirit and unremitting perseverance under many difficulties are deserving of great applause, harassed and often defeated large parties; but the numbers of those militia were too few to contend effectually with the collected strength of the enemy.

Regardless, therefore, of the sacred ties of honor, destitute of the feelings of humanity, and determined to extinguish, if possible, every spark of freedom in this country; they, with the insolent pride of conquerors, gave unbounded scope to the exercises of their tyrannical disposition, infringed their public engage-

ments, and violated the most solemn capitulations. Many of our worthiest citizens were, without cause, long and closely confined, some on board of prison ships, and others in the town and castle of St. Augustine, their properties disposed of at the will and caprice of the enemy, and their families sent to different and distant parts of the continent without the means of support. Many who had surrendered as prisoners of war were killed in cold blood; several suffered death in the most ignominious manner, and others were delivered up to savages and put to tortures under which they expired. Thus, the lives, liberties, and properties of the people were dependent solely on the pleasure of British officers, who deprived them of either or all on the most frivolous pretences. Indians, slaves, and a desperate banditti of the most profligate characters were caressed and employed by the enemy to execute their infamous purposes; devastation and ruin marked their progress and that of their adherents, nor were their violences restrained by the charms or influence of beauty and innocence; even the fair sex, whom it is the duty of all, and the pleasure and pride of the brave to protect, they and their tender offspring were victims to the inveterate malice of an unrelenting foe; neither the tears of mothers nor the cries of infants could excite in their breasts pity or compassion; not only the peaceful habitation of the widow, the aged, and the infirm, but the holy temples of the Most High were consumed, in flames kindled by their sacrilegious hands. They have tarnished the glory of the British arms, disgraced the profession of

a soldier, and fixed indelible stigmas of rapine, cruelty, perfidy, and profaneness on the British name.

But I can now congratulate you, and I do most cordially on the pleasing change of affairs which, under the blessing of God, the wisdom, prudence, address, and bravery of the great and gallant General Greene, and the intrepidity of the officers and men under his command, have happily effected. A general who is justly entitled from his many signal services to honorable and singular marks of your approbation and gratitude, his successes have been more rapid and complete than the most sanguine could have expected; the enemy, compelled to surrender or evacuate every post which they held in the country, frequently defeated and driven from place to place, are obliged to seek refuge under the walls of Charleston and on islands in its vicinity. We have now the full and absolute possession of every other part of the State, and the legislative, executive, and judicial powers are in the free exercise of their respective authorities.

I also most heartily congratulate you on the glorious victory obtained by the combined forces of America and France over their common enemy; when the very general who was second in command at the reduction of Charleston, and to whose boasted prowess and highly extolled abilities the conquest of no less than three States had been arrogantly committed, was speedily compelled to accept of the same mortifying terms which had been imposed on that brave but unfortunate garrison; to surrender an army of many thousand regulars, and to abandon his wretched followers, whom he had artfully seduced from their al-

legiance by specious promises of protection which he could never have hoped to fulfil, to the justice of mercy of their country: on the naval superiority established by the illustrious ally of the United States—a superiority in itself so decided, and in its consequences so extensive, as must inevitably soon oblige the enemy to yield to us the only post which they occupy in this State: and on the reiterated proofs of the sincerest friendship, and on the great support which America has received from that powerful monarch—a monarch whose magnanimity is universally acknowledged and admired, and on whose royal word we may confidently rely for every necessary assistance: on the perfect harmony which subsists between France and America: on the stability which her independence has acquired, and the certainty that it is too deeply rooted ever to be shaken; for, animated as they are by national honor, and united by one common interest, it must and will be maintained.

What may be the immediate effects on the British nation, of the events which I have mentioned, of their loss of territory in other parts of the world, and of their well-founded apprehensions from the powers of France, Spain, and Holland, it is impossible to foretell. If experience can teach wisdom to a haughty and infatuated people, and if they will now be governed by reason, they will have learnt they can have no solid ground of hope to conquer any State in the Union; for though their armies have obtained temporary advantages over our troops, yet the citizens of these States, firmly resolved as they are never to return to a domination which, near six years ago, they

unanimously and justly renounced, cannot be subdued; and they must now be convinced that it is the height of folly and madness to persist in so ruinous a war.

If, however, we judge, as we ought, of their future by their past conduct, we may presume that they will not only endeavor to keep possession of our capital, but make another attempt, howsoever improbable the success of it may appear, to subjugate this country: it is therefore highly incumbent upon us to use our most strenuous efforts to frustrate so fatal a design; and I earnestly conjure you, by the sacred love which you bear to your country, by the constant remembrance of her bitter sufferings, and by the just detestation of British government which you and your posterity must forever possess, to exert your utmost faculties for that purpose by raising and equipping, with all possible expedition, a respectable permanent force, and by making ample provision for their comfortable subsistence.

I am sensible the expense will be great; but a measure so indispensable to the preservation of our freedom is above every pecuniary consideration.

The organization of our militia is likewise a subject of infinite importance: a clear and concise law, by which the burdens of service will be equally sustained and a competent number of men brought forth and kept in the field when their assistance may be required, is essential to our security, and therefore justly claims your immediate and serious attention: certain it is that some of our militia have, upon several occasions, exhibited symptoms of valor which would have reflected honor on veteran troops. The courage and

conduct of the generals whom I have mentioned; the cool and determined bravery displayed by Brigadier Pickens, and, indeed, the behavior of many officers and men in every brigade, are unquestionable testimonies of the truth of this assertion. But such behavior cannot be expected from militia in general, without good order and strict discipline; nor can that order and discipline be established but by a salutary law steadily executed.

Another important matter for your deliberation is the conduct of such of our citizens as, voluntarily avowing their allegiance and even glorifying in their professions of loyalty and attachment to his Britannic Majesty, have offered their congratulations on the success of his arms, prayed to be embodied as loyal militia, accepted commissions in his service, or endeavored to subvert our constitution and establish his power in its stead; of those who have returned to this State, in defiance of law, by which such return was declared to be a capital offence, and have bettered the British interest, and of such whose behavior has been so reprehensible that justice and policy forbid their free re-admission to the rights and privileges of citizens.

The extraordinary lenity of this State has been remarkably conspicuous. Other States have thought it just and expedient to appropriate the property of British subjects to the public use; but we have forborne even to take the profits of the estates of our most implacable enemies. It is with you to determine whether the forfeiture and appropriation of their property should now take place: if such should be your

determination, though many of our warmest friends have been reduced, for their inflexible attachment to the cause of their country, from opulence to inconceivable distress, and, if the enemy's will and power had prevailed, would have been doomed to indigence and beggary, yet it will redound to the reputation of this State to provide a becoming support for the families of those whom you may deprive of their property.

The value of paper currency became of late so much depreciated that it was requisite, under the powers vested in the executive during the recess of the General Assembly, to suspend the laws by which it was made a tender. You will now consider whether it may not be proper to repeal those laws, and fix some equitable mode for the discharge of debts contracted whilst paper money was in circulation.

In the present scarcity of specie it would be difficult, if not impracticable, to levy a tax to any considerable amount, towards sinking the public debt, nor will the creditors of the State expect that such a tax should at this time be imposed; but it is just and reasonable that all unsettled demands should be liquidated, and satisfactory assurances of payment given to the public creditors.

The interest and honor, the safety and happiness of our country depend so much on the result of your deliberations, that I flatter myself you will proceed in the weighty business before you with firmness and temper, with vigor, unanimity, and despatch.

Boudinot (bo͞o'-di-not), Elias, a noted American patriot and philanthropist, born at Philadelphia, May 2, 1740; died at Burlington, N. J., Oct, 24, 1821. He was an active supporter of the American cause during the Revolutionary period, and was president of the Continental Congress in 1782. For ten years he was director of the Mint, and he was the first president of the American Bible Society. He was a liberal benefactor of benevolent and literary institutions, and wrote several works which attracted no small share of attention in their day. He also won popularity as a public speaker and his Oration Before the Cincinnati is still read.

ORATION BEFORE THE CINCINNATI.

[This oration was delivered by Mr. Boudinot at Elizabeth town, New Jersey, agreeably to a resolution of the State Society of the Cincinnati, on the Fourth of July, 1793.]

GENTLEMEN, BRETHREN, AND FELLOW CITIZENS,—Having devoutly paid the sacrifice of prayer and praise to that Almighty Being by whose favor and mercy this day is peculiarly dedicated to the commemoration of events which fill our minds with joy and gladness, it becomes me, in obedience to the resolutions of our Society, to aim at a further improvement of this festival by leading your reflections to the contemplation of those special privileges which attend the happy and important situation you now enjoy among the nations of the earth.

Is there any necessity, fellow citizens, to spend your time in attempting to convince you of the policy and propriety of setting apart this anniversary for the

purpose of remembering with gratitude the unexampled event of our political salvation.

The cordial testimony you have borne to this institution for seventeen years past supersedes the necessity of an attempt of this kind; and, indeed, if this had been the first instance of our commemorating the day, the practice of all nations and of all ages would have given a sanction to the measure.

The history of the world, as well sacred as profane, bears witness to the use and importance of setting apart a day as a memorial of great events, whether of a religious or political nature.

No sooner had the great Creator of the heavens and the earth finished his almighty work and pronounced all very good, but he set apart (not an anniversary, or one day in a year, but) one day in seven for the commemoration of his inimitable power in producing all things out of nothing.

The deliverance of the children of Israel from a state of bondage to an unreasonable tyrant was perpetuated by the eating of the Paschal Lamb and enjoining it to their posterity as an annual festival forever, with a "remember this day, in which ye came out of Egypt, out of the house of bondage."

The resurrection of the Saviour of mankind is commemorated by keeping the first day of the week, not only as a certain memorial of his first coming in a state of humiliation, but the positive evidence of his future coming in glory.

Let us then, my friends and fellow citizens, unite all our endeavors this day to remember, with reverential gratitude to our supreme Benefactor, all the wonder-

ful things he has done for us in a miraculous deliverance from a second Egypt—another house of bondage. "And thou shalt show thy son on this day, saying this day is kept as a day of joy and gladness, because of the great things the Lord has done for us, when we were delivered from the threatening power of an invading foe. And it shall be a sign unto thee, upon thine hand, and for a memorial between thine eyes, that the law of the Lord may be in thy mouth, for with a strong hand hast thou been delivered from thine enemies: Thou shalt therefore keep this ordinance in its season, from year to year, forever.

When great events are to be produced in this our world, great exertions generally become necessary; men are therefore usually raised up, with talents and powers peculiarly adapted to the purposes intended by Providence, who often by their disinterested services and extreme sufferings become the wonder as well as the examples of their generation.

The obligations of mankind to these worthy characters increase in proportion to the importance of the blessings purchased by their labors.

It is not then an unreasonable expectation which, I well know, generally prevails, that this day should be usually devoted to the perpetuating and respectfully remembering the dignified characters of those great men with whom it has been our honor to claim the intimate connection of fellow citizens,—men who have purchased our present joyful circumstances at the invaluable price of their blood.

But you must also acknowledge with me that this subject has been so fully considered and so ably

handled by those eloquent and enlightened men who have gone before me in this honorable path, that had their superior abilities fallen to my lot I could do but little more than repeat the substance of their observations and vary their language.

Forgive me, ye spirits of my worthy, departed fellow citizens!—patriots of the first magnitude, whose integrity no subtle arts of bribery and corruption could successfully assail; and whose fortitude and perseverance no difficulties or dangers could intimidate, whose labors and sufferings in the common cause of our country; whose exploits in the field and wisdom in the cabinet, I have often been witness to during a cruel and distressing war! Forgive, O Warren, Montgomery! and all the nameless heroes of your illustrious group! Forgive, that I omit on the present occasion to follow the steps of those compatriots who have preceded me, but had rather spend this sacred hour in contemplating those great purposes which animated your souls in the severe conflict, and for which you fought and bled!

Were you present to direct this day's meditations, would you not point to your scarred limbs and bleeding breasts, and loudly call upon us to reward your toils and sufferings by forcibly inculcating and improving those patriotic principles and practices which led you to those noble achievements that secured the blessings we now enjoy?

Yes, ye martyrs to liberty! ye band of heroes! ye once worthy compatriots and fellow citizens! We will obey your friendly suggestion, and greatly prize that freedom and independence, purchased by your

united exertions, as the most invaluable gem of our earthly crown!

The late revolution, my respected audience, in which we this day rejoice, is big with events that are daily unfolding themselves and pressing in thick succession, to the astonishment of a wondering world!

It has been marked with the certain characteristics of a divine overruling hand, in that it was brought about and perfected against all human reasoning, and apparently against all human hope; and that in the very moment of time when all Europe seemed ready to be plunged into commotion and distress.

Divine Providence, throughout the government of this world, appears to have impressed many great events with the undoubted evidence of his own almighty arm. He putteth down kingdoms and he setteth up whom he pleaseth, and it has been literally verified in us that "no king prevaileth by the power of his own strength."

The first great principle established and secured by our revolution, and which since seems to be pervading all the nations of the earth, and which should be most zealously and carefully improved and gloried in by us, is the rational equality and rights of men as men and citizens.

I do not mean to hold up the absurd idea charged upon us by the enemies of this valuable principle, and which contains in it inevitable destruction to every government, "that all men are equal as to acquired or adventitious rights." Men must and do continually differ in their genius, knowledge, industry, integrity, and activity.

Their natural and moral characters—their virtues and vices—their abilities, natural and acquired—together with favorable opportunities for exertion, will always make men different among themselves, and of course create a pre-eminency and superiority one over another. But the equality and rights of men here contemplated are natural, essential, and inalienable, such as the security of life, liberty, and property. These should be the firm foundation of every good government, as they will apply to all nations at all times and may properly be called a universal law. It is apparent that every man is born with the same right to improve the talent committed to him, for the use and benefit of society, and to be respected accordingly.

We are all the workmanship of the same divine hand. With our Creator, abstractly considered, there are neither kings nor subjects, masters nor servants, otherwise than stewards of his appointment, to serve each other according to our different opportunities and abilities, and of course accountable for the manner in which we perform our duty. He is no respecter of persons; he beholds all with an equal eye; and, although "order is heaven's first law," and he has made it essential to every good government, and necessary for the welfare of every community, that there should be distinctions among members of the same society, yet this difference is originally designed for the service, benefit, and best good of the whole, and not for their oppression or destruction.

It is our duty then, as a people, acting on principles of universal application, to convince mankind of the truth and practicability of them by carrying them into

actual exercise for the happiness of our fellow men, without suffering to be perverted to oppression or licentiousness.

The eyes of the nations of the earth are fast opening, and the inhabitants of this globe, notwithstanding it is 3,000 years since the promulgation of that invaluable precept, "Thou shalt love thy neighbor as thyself," are but just beginning to discover their brotherhood to each other, and that all men, however different with regard to nation or color, have an essential interest in each other's welfare.

Let it then be our peculiar, constant care and vigilant attention to inculcate this sacred principle, and to hand it down to posterity improved by every generous and liberal practice, that while we are rejoicing in our own political and religious privileges we may with pleasure contemplate the happy period when all the nations of the earth shall join in the triumph of this day, and one universal anthem of praise shall arise to the universal Creator in return for the general joy.

Another essential ingredient in the happiness we enjoy as a nation, and which arises from the principles of the revolution, is the right that every people have to govern themselves in such manner as they judge best calculated for the common benefit.

It is a principle interwoven with our constitution, and not one of the least blessings purchased by that glorious struggle, to the commemoration of which this day is specially devoted, that every man has a natural right to be governed by laws of his own making, either in person or by his representative; and

that no authority ought justly to be exercised over him that is not derived from the people, of whom he is one.

This, fellow citizens, is a most important, practical principle, first carried into complete execution by the United States of America.

I tremble for the event, while I glory in the subject.

To you, ye citizens of America! do the inhabitants of the earth look with eager attention for the success of a measure on which their happiness and prosperity so manifestly depend.

To use the words of a famous foreigner, "You are become the hope of human nature and ought to become its great example. The asylum opened in your land for the oppressed of all nations must console the earth."

On your virtue, patriotism, integrity, and submission to the laws of your own making and the government of your own choice do the hopes of men rest with prayers and supplications for a happy issue.

Be not, therefore, careless, indolent, or inattentive in the exercise of any right of citizenship. Let no duty, however small or seemingly of little importance, be neglected by you.

Ever keep in mind that it is parts that form the whole, and fractions constitute the unit. Good government generally begins in the family, and if the moral character of a people once degenerates their political character must soon follow.

A friendly consideration of our fellow citizens who by our free choice become the public servants and

manage the affairs of our common country is but a reasonable return for their diligence and care in our service.

The most enlightened and zealous of our public servants can do little without the exertions of private citizens to perfect what they do but form as it were in embryo. The highest officers of our government are but the first servants of the people and always in their power: they have, therefore, a just claim to a fair and candid experiment of the plans they form and the laws they enact for the public weal. Too much should not be expected from them; they are but men and of like passions and of like infirmities with ourselves; they are liable to err, though exercising the purest motives and best abilities required for the purpose.

Times and circumstances may change and accidents intervene to disappoint the wisest measures. Mistaken and wicked men (who cannot live but in troubled waters) are often laboring with indefatigable zeal, which sometimes proves but too successful, to sour our minds, and derange the best-formed systems. Plausible pretensions and censorious insinuations are always at hand to transfer the deadly poison of jealousy by which the best citizens may for a time be deceived.

These considerations should lead to an attentive solicitude to keep the pure, unadulterated principles of our constitution always in view; to be religiously careful in our choice of public officers; and as they are again in our power at very short periods lend not too easily a patient ear to every invidious insinuation

or improbable story, but prudently mark the effects of their public measures and judge of the tree by its fruits.

I do not wish to discourage a constant and lively attention to the conduct of our rulers. A prudent suspicion of public measures is a great security to a republican government; but a line should be drawn between a careful and critical examination into the principles and effects of regular systems after a fair and candid trial, and a captious, discontented, and censorious temper, which leads to find fault with every proposition in which we have not an immediate hand, and raise obstacles to rational plans of government without waiting a fair experiment. It is generally characteristic of this disposition to find fault without proposing a better plan for consideration.

We should not forget that our country is large, and our fellow citizens of different manners, interests and habits; that our laws, to be right, must be equal and general. Of course the differing interests must be combined, and brotherly conciliation and forbearance continually exercised, if we will judge with propriety of those measures that respect a nation at large.

While we thus enjoy as a community the blessings of the social compact in its purity, and are all endeavoring to secure the invaluable privileges purchased by the blood of thousands of our brethren who fell in the dreadful conflict, let us also be careful to encourage and promote a liberality and benevolence of mind toward those whom they have left behind, and whose unhappy fate it has been to bear a heavier proportion of the expensive purchase in the loss of husbands,

parents, or children, perhaps their only support and hope in life.

Mankind, considered as brethren, should be dear to each other; but, fellow citizens, who have together braved the common danger,—who have fought side by side,—who have mingled their blood together, as it were in one rich stream,—who have labored and toiled with united efforts to accomplish the same glorious end, must surely be more than brethren—it is a union cemented by blood.

I can no longer deny myself the felicity, my beloved friends and fellow citizens, members of a Society founded on these humane and benevolent principles, of addressing myself more particularly to you on a day which in so peculiar a manner shines with increasing lustre on you, refreshing and brightening your hard-earned laurels, by renewing the honorable reward of your laborious services in the gratitude of your rejoicing fellow citizens.

Methinks I behold you on the victorious banks of the Hudson, bowed down with the fatigues of an active campaign and the sufferings of an inclement winter, receiving the welcome news of approaching peace and your country's political salvation with all that joy of heart and serenity of mind, that become citizens who flew to their arms, merely at their country's call, in a time of common danger.

The war-worn soldiers, reduced to the calamities of a seven years' arduous service, now solemnly pause and reflect on the peculiarity of their critical situation. The ravages of war had been extended through a country dearer to them than life, and thereby pre-

vented that ample provision in service, or reasonable recompense on their return to private life, that prudence required and gratitude powerfully dictated.

They thought that the distresses of the army had before been brought to a point; "that they had borne all that men could bear; their property expended; their private resources at an end; their friends wearied out and disgusted with incessant applications." But another trial, severer than all, still awaits them; they are now to be disbanded and a separation to take place more distressing than every former scene! Till now the severe conflict was unseen or unattended to. Poverty and the gratitude of their country are their only reward.

True, they are to return to their friends and fellow citizens with blessings on their heads. The general liberty and independence are now secured,—but yet want and dire distress stare many in the face. They are to return to wives and children, long used to dependence on the cold hand of charity, in hopes of a sure support from the success of the common cause, when their husband, father, or child returned glorious from the field of conquest. Alas! these flattering hopes now are no more.

Their country's exhausted treasury cannot yield them even the hard-earned pittance of a soldier's pay. Being urged on one hand by the subtle poison of inflammatory, violent, and artful addresses under the specious mask of pretended friendship (the last expiring effort of a conquered foe),—warned on the other hand by the experience, wisdom, and rational conduct

of their beloved commander, their father and long-tried friend,—they solemnly deliberate.

Some guardian angel, perhaps the happy genius of America, ever attendant on the object of her care, raises the drooping head, wipes the indignant, falling tear from the hardy soldier's eye, and suggests the happy expedient!

Brotherly affection produces brotherly relief—the victorious bands unite together—they despise the infamous idea—they refuse to listen to the siren's song —they form the social tie—they cast in the remaining fragment of their scanty pay, and instead of seizing their arms and demanding their rights by menace and violence they refuse "to lessen the dignity or sully the glory they had hitherto maintained. They determined to give one more proof of unexampled patriotism and patient virtue, rising superior to the pressure of their complicated sufferings, and thereby afford an occasion to posterity to say, had that day been wanting, the world had not seen the last stage of political perfection to which human nature is capable of attaining."

The glorious certainty of peace, purchased by their sufferings and perseverance, now rouses the patriotic fire. They again rejoice in the event; they unite in a firm, indissoluble bond, "gratefully to commemorate the event which gave independence to America,—to inculcate to latest ages the duty of laying down in peace arms assumed for public defence in war,—to continue their mutual friendship, which commenced under the pressure of common dangers, and to effectuate every act of beneficence dictated by a spirit

of brotherly kindness to any of their number and their families who might unfortunately be under the necessity of receiving them;" and by this unanimous act establish this sacred truth, "that the glory of soldiers cannot be well completed without acting well the part of citizens."

This, gentlemen, is your origin as a Society—the source from whence you sprang, and this day we are carrying on the work first begun in these social principles.

With a heart filled with unfeigned gratitude to the Author of all our mercies, and overflowing with the most affectionate friendship toward you, suffer me to congratulate you on this seventeenth anniversary of our happy independence. Long, long, even to the remotest ages, may the citizens of this rising empire enjoy the triumph of this day; may they never forget the invaluable price which it costs, as well as the great purposes for which it was instituted, and may a frequent recurrence to the first principles of our constitution on this anniversary be a constant source of security and permanence to the rising fabric! May the rights of man and the purity of a free, energetic, and independent government be continually cherished and promoted by every son of Cincinnatus! May the remembrance of those worthy heroes, once our beloved companions, whose lives they did not hold dear when required for their country's safety, animate us to preserve inviolate what they purchased at so high a rate! May we, by the uniform conduct of good citizens and generous, faithful friends, show ourselves worthy of such valuable connections!

Long, long may you live to enjoy the reward of your labors, in the exercise of the duties of this honorable anniversary; and after a long life of services to your country, usefulness to your Society, and happiness to yourselves, may you leave your generation in the full enjoyment of peace and a sound constitution, justified by experience, for the example of which, nations yet unborn shall rise up and call you blessed!

And now, my respected audience, we appeal to your candor and generosity; you have heard our origin—you have known our conduct—our Society is designed for the happiness and benefit of mankind—we have no secrets—we claim no separate privileges—we ask no independent immunities—we are embarked in one common cause with you—we glory in one perfect political equality,—all we wish for is the pleasure of renewing ancient friendships, of the mutual remembrance of past labors and sufferings, the liberal exercise of that celestial principle, charity, and one common interest with you in the security of our liberty, property and independence.

We profess to be a band of brethren, united to our fellow citizens by every tie of interest, gratitude, and love. Let us then go hand in hand with you in looking forward to the happy state of our country during a long succession of ages yet to come.

We are encouraged in this animating hope by the numerous advantages arising to us, in a peculiar manner, from the happy revolution we commemorate this day; they are conspicuous in every quarter to which the view can be directed.

If we turn our attention to the strong hope of every

community, the rising generation, the world has yet enjoyed nothing equal to their advantages and future prospects.

The road to honors, riches, usefulness, and fame, in this happy country, is open equally to all. The equality of citizens in its true sense must raise the most lively hopes, prompt the noblest exertions, and secure a certainty of success to all, who shall excel in the service of their country, without respect of persons.

The meanest citizen of America educates his beloved child with a well-founded hope that if he should become equal to the task he may rationally aspire to the command of our armies, a place in the cabinet, or even to the filling of the presidential chair; he stands on equal ground in regard to the first honors of the state with the richest of his fellow citizens.

The child of the poorest laborer, by enjoying the means of education (afforded in almost every corner of this happy land), is trained up for and is encouraged to look forward to a share in the legislation of the Union or of a particular State with as much confidence as the noblest subject of an established monarchy.

This is a peculiar happiness of our highly favored republic among the nations of the earth, proceeding from the successful revolution in which we this day rejoice.

Suffer me, ye fair daughters of New Jersey! to call on you also in a special manner to add your invigorating smiles to the mirth and festivity of this day. Our happiness can be but half complete if you refuse to crown the whole with your kind approbation.

Have you not at all times and do you not still continue to participate deeply in the multiplied blessings of our common country? Raised from the humiliating state of your sex in most other countries, you also breathe the sacred air of freedom and nobly unite your exertions for the general good.

The rights of women are no longer strange sounds to an American ear; they are now heard as familiar terms in every part of the United States; and I devoutly hope that the day is not far distant when we shall find them dignifying, in a distinguishing code, the jurisprudence of the several States in the Union.

But in your domestic character do you not also enjoy the most delightful contemplations arising from the Revolution of Seventeen Hundred and Seventy-six?

Can you look on the children of your tenderest care, and reflect on the cheerful prospects opening upon them through life, without feeling the most lively emotions of gratitude for the inestimable privileges conferred on the citizens of America? Are not your resolutions strengthened and your endeavors redoubled to furnish them with every qualification, both mental and personal, for the future service of a country thus rendered dear to you?

But your share of the joy of this day does not rise from a single source. To whom are we more indebted for the origin of our present happiness than to your delicate and discerning sex? In vain did Columbus, our great founder and discoverer, after settling the principles of his sound philosophy, apply to the wise men of his country. In vain did he solicit, in

strains of the most suppliant humiliation, the different thrones of Europe, when kings considered themselves as God's vicegerents here below; despised by the ignorant—traduced by the malevolent—contemned by the great—laughed at by pretended philosophers—and trifled with by the arrogance of ministers and their hirelings; all his hopes and those of a New World had, at last, sunk in despair, and we, this day, might have mingled our fate with the slaves of the Old World, had not the penetrating wisdom and persevering magnanimity of the fair but undaunted Isabella, the ornament of your sex, and the jealousy of ours, saved this Western World from the oblivion of more than five thousand years. Did she employ the excess of useless treasures in this happy adventure? No!—after the refusal of her husband—despising the appendages of brilliant royalty when compared with the general good of mankind, her enlarged mind, incapable of being confined by the shackles of the age, found a resource in her costly jewels, which she freely offered as a pledge to accomplish the glorious discovery of the fourth quarter of the globe!

To your sex, then, ladies, are we obliged to yield the palm: had this great event depended altogether on our sex, it is not easy to guess what our united fate had been at this moment. Instead of our present agreeable employment, we might have been hewers of wood and drawers of water to some mighty Pharaoh whose tender mercies would have been cruelty. Your right, then, my fair auditory, to a large portion of the general joy, must be acknowledged to be of a superior kind.

Do you, my worthy fellow citizens of every description, wish for more lasting matter of pleasure and satisfaction in contemplating the great events brought to your minds this day? Extend, then, your views to a distant period of future time. Look forward a few years, and behold our extended forests (now a pathless wilderness) converted into fruitful fields and busy towns. Take into view the pleasing shores of our immense lakes, united to the Atlantic States by a thousand winding canals, and beautified with rising cities, crowded with innumerable peaceful fleets, transporting the rich produce from one coast to another.

Add to all this, what must most please every humane and benevolent mind, the ample provision thus made by the God of all flesh for the reception of the nations of the earth flying from the tyranny and oppression of the despots of the Old World, and say if the prophecies of ancient times are not hastening to a fulfilment, when this wilderness shall blossom as a rose, the heathen be given to the Great Redeemer as his inheritance, and these uttermost parts of the earth for his possession.

Who knows but the country for which we have fought and bled may hereafter become a theatre of greater events than yet have been known to mankind?

May these invigorating prospects lead us to the exercise of every virtue, religious, moral, and political. May we be roused to a circumspect conduct,—to an exact obedience to the laws of our own making,—to the preservation of the spirit and principles of our truly invaluable constitution,—to respect and at-

tention to magistrates of our own choice; and finally, by our example as well as precept, add to the real happiness of our fellow men and the particular glory of our common country.

And may these great principles in the end become instrumental in bringing about that happy state of the world when, from every human breast, joined by the grand chorus of the skies, shall arise with the profoundest reverence that divinely celestial anthem of universal praise,—"Glory to God in the highest; peace on earth; good will toward men."

Warren, Joseph, a famous American patriot and orator, born in Roxbury, Mass., June 11, 1741 ; died at Charlestown, Mass., June 17, 1775. He began the practice of medicine in Boston in 1762, and early taking an interest in political affairs, he joined a secret society of lovers of liberty. His talents as an orator becoming known, he was chosen to deliver the civic oration upon the occasion of the second anniversary of The Boston Massacre, in 1772. In 1775 he was again chosen to deliver the oration upon the same theme, and although the English soldiery had threatened the life of any person adventurous enough to deliver the oration upon that anniversary, Warren was undeterred and pronounced the address as he had at first intended. At the battle of Bunker Hill, Warren was killed while fighting as a volunteer. Less fiery and impassioned as a speaker than Samuel Adams or James Otis, he was not without abundant vigor, and he held listeners in the deepest attention.

ORATION ON THE BOSTON MASSACRE.

[Dr. Warren was undaunted by the threats of the British who had vowed to take the life of any one daring to deliver an oration upon the anniversary of the Boston massacre. Upon March 6, 1775, the Old South Church being filled to overflowing, Warren made his entrance from the rear of the building through the pulpit window, and unmoved by the array of soldiers and officers before him delivered the oration with a firm and determined purpose.]

My Ever-Honored Fellow Citizens,—It is not without the most humiliating conviction of my want of ability that I now appear before you: but the sense I have of the obligation I am under to obey the calls of my country at all times, together with an animat-

ing recollection of your indulgence exhibited upon so many occasions, has induced me once more, undeserving as I am, to throw myself upon that candor which looks with kindness on the feeblest efforts of an honest mind.

You will not now expect the elegance, the learning, the fire, the enrapturing strains of eloquence, which charmed you when a Lovell, a Church, or a Hancock spake; but you will permit me to say that with a sincerity equal to theirs I mourn over my bleeding country. With them I weep at her distress, and with them deeply resent the many injuries she has received from the hands of cruel and unreasonable men.

That personal freedom is the natural right of every man, and that property, or an exclusive right to dispose of what he has honestly acquired by his own labor, necessarily arises therefrom, are truths which common sense has placed beyond the reach of contradiction. And no man or body of men can, without being guilty of flagrant injustice, claim a right to dispose of the persons or acquisitions of any other man or body of men unless it can be proved that such a right has arisen from some compact between the parties in which it has been explicitly and freely granted.

If I may be indulged in taking a retrospective view of the first settlement of our country it will be easy to determine with what degree of justice the late Parliament of Great Britain have assumed the power of giving away that property which the Americans have earned by their labor.

Our fathers, having nobly resolved never to wear

the yoke of despotism, and seeing the European world, at that time, through indolence and cowardice, falling a prey to tyranny, bravely threw themselves upon the bosom of the ocean, determined to find a place in which they might enjoy their freedom or perish in the glorious attempt. Approving heaven beheld the favored ark dancing upon the waves, and graciously preserved it until the chosen families were brought in safety to these western regions. They found the land swarming with savages, who threatened death with every kind of torture.

But savages, and death with torture, were far less terrible than slavery. Nothing was so much the object of their abhorrence as a tyrant's power. They knew it was more safe to dwell with man in his most unpolished state than in a country where arbitrary power prevails. Even anarchy itself, that bugbear held up by the tools of power (though truly to be deprecated), is infinitely less dangerous to mankind than arbitrary government. Anarchy can be but of a short duration; for, when men are at liberty to pursue that course which is more conducive to their own happiness, they will soon come into it; and from the rudest state of nature, order and good government must soon arise. But tyranny, when once established, entails its curses on a nation to the latest period of time; unless some daring genius, inspired by heaven, shall, unappalled by danger, bravely form and execute the arduous designs of restoring liberty and life to his enslaved, murdered country.

The tools of power, in every age, have racked their inventions to justify the few in sporting with the hap-

piness of the many; and, having found their sophistry too weak to hold mankind in bondage, have impiously dared to force religion, the daughter of the King of Heaven, to become a prostitute in the service of hell. They taught that princes, honored with the name of Christian, might bid defiance to the founder of their faith, might pillage pagan countries and deluge them with blood, only because they boasted themselves to be the disciples of that Teacher who strictly charged his followers to do to others as they would that others should do unto them.

This country, having been discovered by an English subject in the year 1620, was (according to the system which the blind superstition of those times supported) deemed the property of the Crown of England. Our ancestors, when they resolved to quit their native soil, obtained from King James a grant of certain lands in North America. This they probably did to silence the cavils of their enemies, for it cannot be doubted but they despised the pretended right which he claimed thereto. Certain it is that he might with equal propriety and justice have made them a grant of the planet Jupiter. And their subsequent conduct plainly shows that they were too well acquainted with humanity and the principles of natural equity to suppose that the grant gave them any right to take possession; they therefore entered into a treaty with the natives and bought from them the lands. Nor have I ever yet obtained any information that our ancestors ever pleaded, or that the natives ever regarded the grant from the English Crown: the business was transacted by the parties in the same inde-

pendent manner that it would have been had neither of them ever known or heard of the island of Great Britain.

Having become the honest proprietors of the soil, they immediately applied themselves to the cultivation of it; and they soon beheld the virgin earth teeming with richest fruits, a grateful recompense for their unwearied toil. The fields began to wave with ripening harvests, and the late barren wilderness was seen to blossom like the rose.

The savage natives saw with wonder the delightful change, and quickly formed a scheme to obtain that by fraud or force, which nature meant as the reward of industry alone. But the illustrious emigrants soon convinced the rude invaders that they were not less ready to take the field for battle than for labor; and the insidious foe was driven from their borders as often as he ventured to disturb them.

The Crown of England looked with indifference on the contest; our ancestors were left alone to combat with the natives. Nor is there any reason to believe that it ever was intended by the one party, or expected by the other, that the grantor should defend and maintain the grantees in the peaceable possession of the lands named in the patents. And it appears plainly from the history of those times that neither the prince nor the people of England thought themselves much interested in the matter. They had not then any idea of a thousandth part of those advantages which they since have, and we are most heartily willing they should still continue to reap from us.

But when, at an infinite expense of toil and blood,

this widely extended continent had been cultivated and defended; when the hardy adventurers justly expected that they and their descendants should peaceably have enjoyed the harvest of those fields which they had sown, and the fruit of those vineyards which they had planted, this country was then thought worthy the attention of the British ministry; and the only justifiable and only successful means of rendering the colonies serviceable to Britain were adopted. By an intercourse of friendly offices the two countries became so united in affection that they thought not of any distinct or separate interests, they found both countries flourishing and happy.

Britain saw her commerce extended and her wealth increased; her lands raised to an immense value; her fleets riding triumphant on the ocean; the terror of her arms spreading to every quarter of the globe. The colonist found himself free and thought himself secure: he dwelt under his own vine and under his own fig-tree and had none to make him afraid. He knew, indeed, that by purchasing the manufactures of Great Britain he contributed to its greatness: he knew that all the wealth that his labor produced centred in Great Britain.

But that, far from exciting his envy, filled him with the highest pleasure; that thought supported him in all his toils. When the business of the day was past, he solaced himself with the contemplation, or perhaps entertained his listening family with the recital of some great, some glorious transaction which shines conspicuous in the history of Britain; or, perhaps, his elevated fancy led him to foretell, with a kind of en-

thusiastic confidence, the glory, power, and duration of an empire which should extend from one end of the earth to the other. He saw, or thought he saw, the British nation risen to a pitch of grandeur which cast a veil over the Roman glory, and, ravished with the preview, boasted a race of British kings whose names should echo through those realms where Cyrus, Alexander, and the Cæsars were unknown; princes for whom millions of grateful subjects redeemed from slavery and pagan ignorance, should, with thankful tongues, offer up their prayers and praises to that transcendently great and beneficent Being, "by whom kings reign and princes decree justice."

These pleasing connections might have continued; these delightsome prospects might have been every day extended; and even the reveries of the most warm imagination might have been realized, but, unhappily for us, unhappily for Britain, the madness of an avaricious minister of state has drawn a sable curtain over the charming scene, and in its stead has brought upon the stage discord, envy, hatred, and revenge, with civil war close in their rear.

Some demon, in an evil hour, suggested to a short-sighted financier the hateful project of transferring the whole property of the king's subjects in America to his subjects in Britain. The claim of the British Parliament to tax the colonies can never be supported but by such a transfer; for the right of the House of Commons of Great Britain to originate any tax or grant money is altogether derived from their being elected by the people of Great Britain to act for them; and the people of Great Britain cannot confer on

their representatives a right to give or grant anything which they themselves have not a right to give or grant personally.

Therefore it follows that if the members chosen by the people of Great Britain to represent them in Parliament have, by virtue of their being so chosen, any right to give or grant American property, or to lay any tax upon the lands or persons of the colonists, it is because the lands and people in the colonies are, *bona fide,* owned by and justly belonging to the people of Great Britain. But (as has been before observed) every man has a right to personal freedom; consequently a right to enjoy what is acquired by his own labor. And it is evident that the property in this country has been acquired by our own labor; it is the duty of the people of Great Britain to produce some compact in which we have explicitly given up to them a right to dispose of our persons or property. Until this is done, every attempt of theirs, or of those whom they have deputed to act for them, to give or grant any part of our property, is directly repugnant to every principle of reason and natural justice.

But I may boldly say that such a compact never existed, no, not even in imagination. Nevertheless, the representatives of a nation long famed for justice and the exercise of every noble virtue have been prevailed on to adopt the fatal scheme; and although the dreadful consequences of this wicked policy have already shaken the empire to its centre, yet still it is persisted in. Regardless of the voice of reason; deaf to the prayers and supplications, and unaffected with the flowing tears of suffering millions, the British

ministry still hug the darling idol; and every rolling year affords fresh instances of the absurd devotion with which they worship it. Alas! how has the folly, the distraction of the British councils blasted our swelling hopes and spread a gloom over this western hemisphere.

The hearts of Britons and Americans, which lately felt the generous glow of mutual confidence and love, now burn with jealousy and rage. Though but of yesterday, I recollect (deeply affected at the ill-boding change) the happy hours that passed whilst Britain and America rejoiced in the prosperity and greatness of each other. Heaven grant those halcyon days may soon return! But now the Briton too often looks on the American with an envious eye, taught to consider his just plea for the enjoyment of his earnings as the effect of pride and stubborn opposition to the parent country, whilst the American beholds the Briton as the ruffian, ready first to take away his property, and next, what is still dearer to every virtuous man, the liberty of his country.

When the measures of administration had disgusted the colonies to the highest degree, and the people of Great Britain had, by artifice and falsehood, been irritated against America, an army was sent over to enforce submission to certain acts of the British Parliament which reason scorned to countenance and which placemen and pensioners were found unable to support.

Martial law and the government of a well-regulated city are so entirely different that it has always been considered as improper to quarter troops in populous

cities; frequent disputes must necessarily arise between the citizen and the soldier, even if no previous animosities subsist. And it is further certain, from a consideration of the nature of mankind, as well as from constant experience, that standing armies always endanger the liberty of the subject. But when the people, on the one part, considered the army as sent to enslave them, and the army, on the other, were taught to look on the people as in a state of rebellion, it was but just to fear the most disagreeable consequences. Our fears, we have seen, were but too well grounded.

The many injuries offered to the town I pass over in silence. I cannot now mark out the path which led to that unequalled scene of horror, the sad remembrance of which takes the full possession of my soul. The sanguinary theatre again opens itself to view. The baleful images of terror crowd around me; and discontented ghosts, with hollow groans, appear to solemnize the anniversary of the fifth of March.

Approach we then the melancholy walk of death. Hither let me call the gay companion; here let him drop a farewell tear upon that body which so late he saw vigorous and warm with social mirth; hither let me lead the tender mother to weep over her beloved son—come, widowed mourner, here satiate thy grief; behold thy murdered husband gasping on the ground, and to complete the pompous show of wretchedness, bring in each hand thy infant children to bewail their father's fate—take heed, ye orphan babes, lest, whilst your streaming eyes are fixed upon the ghastly corpse,

your feet slide on the stones bespattered with your father's brains!

Enough; this tragedy need not be heightened by an infant weltering in the blood of him that gave it birth. Nature, reluctant, shrinks already from the view, and the chilled blood rolls slowly backward to its fountain. We wildly stare about, and with amazement ask who spread this ruin around us? What wretch has dared deface the image of his God? Has haughty France, or cruel Spain, sent forth her myrmidons? Has the grim savage rushed again from the far distant wilderness; or does some fiend, fierce from the depth of hell, with all the rancorous malice which the apostate damned can feel twang her destructive bow and hurl her deadly arrows at our breast?

No, none of these—but, how astonishing! it is the hand of Britain that inflicts the wound! The arms of George, our rightful king, have been employed to shed that blood, when justice, or the honor of his crown, had called his subjects to the field.

But pity, grief, astonishment, with all the softer movements of the soul, must now give way to stronger passions. Say, fellow citizens, what dreadful thought now swells your heaving bosoms; you fly to arms—sharp indignation flashes from each eye—revenge gnashes her iron teeth—death grins a hideous smile, secure to drench his greedy jaws in human gore—whilst hovering furies darken all the air!

But stop, my bold, adventurous countrymen; stain not your weapons with the blood of Britons. Attend to reason's voice; humanity puts in her claim and sues to be again admitted to her wonted seat, the bosom of

the brave. Revenge is far beneath the noble mind. Many, perhaps, compelled to rank among the vile assassins, do from their inmost souls detest the barbarous action. The winged death, shot from your arms, may chance to pierce some breast that bleeds already for your injured country.

The storm subsides—a solemn pause ensues—you spare—upon condition they depart. They go—they quit your city—they no more shall give offence. Thus closes the important drama.

And could it have been conceived that we again should have seen a British army in our land, sent to enforce obedience to acts of Parliament destructive of our liberty? But the royal ear, far distant from this western world, has been assaulted by the tongue of slander; and villains, traitorous alike to king and country, have prevailed upon a gracious prince to clothe his countenance with wrath and to erect the hostile banner against a people ever affectionate and loyal to him and his illustrious predecessors of the House of Hanover.

Our streets are again filled with armed men; our harbor is crowded with ships of war; but these cannot intimidate us; our liberty must be preserved; it is far dearer than life—we hold it even dear as our allegiance; we must defend it against the attacks of friends as well as enemies; we cannot suffer even Britons to ravish it from us.

No longer could we reflect, with generous pride, on the heroic actions of our American forefathers; no longer boast our origin from that far-famed island whose warlike sons have so often drawn their well-

tried swords to save her from the ravages of tyranny; could we, but for a moment, entertain the thought of giving up our liberty. The man who meanly will submit to wear a shackle contemns the noblest gift of heaven and impiously affronts the God that made him free.

It was a maxim of the Roman people, which eminently conduced to the greatness of that state, never to despair of the commonwealth. The maxim may prove as salutary to us now as it did to them. Short-sighted mortals see not the numerous links of small and great events which form the chain on which the fate of kings and nations is suspended. Ease and prosperity, though pleasing for a day, have often sunk a people into effeminacy and sloth. Hardships and dangers, though we forever strive to shun them, have frequently called forth such virtues as have commanded the applause and reverence of an admiring world. Our country loudly calls you to be circumspect, vigilant, active, and brave.

Perhaps (all gracious heaven avert it), perhaps the power of Britain, a nation great in war, by some malignant influence may be employed to enslave you; but let not even this discourage you. Her arms, 'tis true, have filled the world with terror; her troops have reaped the laurels of the field; her fleets have rode triumphant on the sea; and when or where did you, my countrymen, depart inglorious from the field of fight? You, too, can show the trophies of your forefathers' victories and your own; can name the fortresses and battles you have won; and many of you

count the honorable scars of wounds received whilst fighting for your king and country.

Where justice is the standard, heaven is the warrior's shield: but conscious guilt unnerves the arm that lifts the sword against the innocent. Britain, united with these colonies by commerce and affection, by interest and blood, may mock the threats of France and Spain; may be the seat of universal empire. But should America, either by force or those more dangerous engines, luxury and corruption, ever be brought into a state of vassalage, Britain must lose her freedom also. No longer shall she sit the empress of the sea; her ships no more shall waft her thunders over the wide ocean; the wreath shall wither on her temples; her weakened arm shall be unable to defend her coasts; and she at last must bow her venerable head to some proud foreigner's despotic rule.

But if, from past events, we may venture to form a judgment of the future, we justly may expect that the devices of our enemies will but increase the triumphs of our country. I must indulge a hope that Britain's liberty, as well as ours, will eventually be preserved by the virtue of America.

The attempt of the British Parliament to raise a revenue from America, and our denial of their right to do it, have excited an almost universal inquiry into the right of mankind in general, and of British subjects in particular; the necessary result of which must be such a liberality of sentiment and such a jealousy of those in power as will, better than an adamantine

wall, secure us against the future approaches of despotism.

The malice of the Boston port-bill has been defeated, in a very considerable degree, by giving you an opportunity of deserving, and our brethren in this and our sister colonies an opportunity of bestowing those benefactions which have delighted your friends and astonished your enemies, not only in America, but in Europe also. And what is more valuable still, the sympathetic feelings for a brother in distress, and the grateful emotions excited in the breast of him who finds relief, must forever endear each to the other and form those indissoluble bonds of friendship and affection on which the preservation of our rights so evidently depend.

The mutilation of our charter has made every other colony jealous for its own; for this, if once submitted to by us, would set on float the property and government of every British settlement upon the continent. If charters are not deemed sacred, how miserably precarious is everything founded upon them!

Even the sending troops to put these acts in execution is not without advantage to us. The exactness and beauty of their discipline inspire our youth with ardor in the pursuit of military knowledge. Charles the Invincible taught Peter the Great the art of war. The battle of Pultowa convinced Charles of the proficiency Peter had made.

Our country is in danger, but not to be despaired of. Our enemies are numerous and powerful; but we have many friends determining to be free, and heaven and earth will aid the resolution. On you depend the

fortunes of America. You are to decide the important question on which rest the happiness and liberty of millions yet unborn. Act worthy of yourselves. The faltering tongue of hoary age calls on you to support your country. The lisping infant raises its suppliant hands imploring defence against the monster slavery. Your fathers look from their celestial seats with smiling approbation on their sons, who boldly stand forth in the cause of virtue; but sternly frown upon the inhuman miscreant who, to secure the loaves and fishes to himself, would breed a serpent to destroy his children.

But, pardon me, my fellow citizens, I know you want not zeal or fortitude. You will maintain your rights or perish in the generous struggle. However difficult the combat, you never will decline it when freedom is the prize. An independence of Great Britain is not our aim. No, our wish is that Britain and the colonies may, like the oak and ivy, grow and increase in strength together. But whilst the infatuated plan of making one part of the empire slaves to the other is persisted in, the interests and safety of Britain, as well as the colonies, require that the wise measures recommended by the honorable the Continental Congress be steadily pursued; whereby the unnatural contest between a parent honored and a child beloved may probably be brought to such an issue as that the peace and happiness of both may be established upon a lasting basis. But if these pacific measures are ineffectual, and it appears that the only way to safety is through fields of blood, I know you will not turn your faces from your foes, but will,

undauntedly, press forward until tyranny is trodden under foot, and you have fixed your adored goddess, Liberty, fast by a Brunswick's side, on the American throne.

You then, who have nobly espoused your country's cause; who generously have sacrificed wealth and ease; who have despised the pomp and show of tinselled greatness; refused the summons to the festive board; been deaf to the alluring calls of luxury and mirth; who have forsaken the downy pillow to keep your vigils by the midnight lamp for the salvation of your invaded country, that you might break the fowler's snare and disappoint the vulture of his prey—you then will reap that harvest of renown which you so justly have deserved. Your country shall pay her grateful tribute of applause. Even the children of your most inveterate enemies, ashamed to tell from whom they sprang, while they, in secret, curse their stupid, cruel parents, shall join the general voice of gratitude to those who broke the fetters which their fathers forged.

Having redeemed your country, and secured the blessing to future generations, who, fired by your example, shall emulate your virtues and learn from you the heavenly art of making millions happy; with heartfelt joy, with transports all your own, you cry, the glorious work is done; then drop the mantle to some young Elisha, and take your seats with kindred spirits in your native skies!

Jefferson, Thomas, a distinguished statesman, third President of the United States, born at Shadwell, Va., April 2, 1743; died at Monticello, Va., July 4, 1826. He was admitted to the bar at the age of twenty-four, and began public life as a member of the House of Burgesses in 1769. He was a zealous actor in the events preluding the American Revolution, and as one of the committee of five appointed to draw up the Declaration of Independence, was in the main the author of that famous paper. In 1779, Jefferson was chosen governor of Virginia; in 1784 he was sent to France with Franklin and Deane, as joint plenipotentiary, and returning in 1789 was appointed Washington's secretary of state. He was Vice-President during the administration of John Adams, and succeeding him as President, held office for two terms. Of all his many state papers, the Declaration is destined to endure the longest. Like all of Jefferson's writing, it is grandiose at times, but like them, too, it is clear, forceful, and perfectly adapted to serve the immediate purposes for which it was composed,

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DEMOCRACY DEFINED.

FIRST INAUGURAL ADDRESS, DELIVERED MARCH 4, 1801.

Friends and Fellow-Citizens:

CALLED upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the

greatness of the charge and the weakness of my powers so justly inspire. A rising nation spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the hour, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that

though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect, that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others; and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans: we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment,

abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the

happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions

of the majority, the vital principle of republics, from which is no appeal, but to force the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of person, nuder the protection of the Habeas Corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment; they should be the creed of our political faith: the text of civic instruction; the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence

you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your goodwill, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

Quincy, Josiah, (sometimes styled Josiah Quincy, Jr.), an American patriot and orator, born in Boston, Mass., Jan., 23, 1744, died there, April 26, 1775. He was a Boston, lawyer who was associated with John Adams in defending the English soldiers concerned in " The Boston Massacre," but he attended the town meeting which ordered the " Boston tea-party," and in September, 1774, went to England to speak in behalf of the colonists. His style as an orator is rather intense and grandiose, but it has the dignity of entire sincerity. His " Observations on the Boston Port Bill, with Thoughts on Civil Society and Standing Armies," had not a little to do with shaping contemporary thought.

SPEECH IN DEFENCE OF THE SOLDIERS.

[Delivered at the trial of William Weems, James Hartigan, and others, soldiers in his Majesty's Twenty-Ninth Regiment, for the murder of Crispus Attucks, Samuel Gray, and others, on Monday evening, the 5th of March, 1770.]

May it Please Your Honors, and You Gentlemen of the Jury,—We have at length gone through the evidence in behalf of the prisoners. The witnesses have now placed before you that state of facts from which results our defence. The examination has been so lengthy that I am afraid some painful sensations arise when you find that you are now to sit and hear the remarks of counsel. But you should reflect that no more indulgence is shown to the prisoners now on trial than has ever been shown in all capital causes: the trial of one man has often taken up several days; when you consider, therefore, that there are eight lives in issue, the importance of the trial will

show the necessity of its length. To each of the prisoners different evidence applies, and each of them draw their defence from different quarters.

I stated to you, gentlemen, your duty in opening this cause—do not forget the discharge of it. You are paying a debt you owe the community for your own protection and safety: by the same mode of trial are your own rights to receive a determination; and in your turn a time may come when you will expect and claim a similar return from some other jury of your fellow subjects.

In opening I pointed out the dangers to which you were exposed; I trust your own recollection will now preclude a recapitulation of them. The reasons of what I then said, I trust have in some measure appeared; the propriety of some of those observations has been corroborated by succeeding evidence; and you must have traced yourselves some of those consequences, turning out in evidence, which have had intimate relation, if not their origin, with some or all of those opinions, notions, sentiments, or passions (call them what you will) which I took occasion to observe as clues, aids, and leading-strings in our intended examination and decision.

How much need was there for my desire that you should suspend your judgment till the witnesses were all examined? How different is the complexion of the cause? Will not all this serve to show every honest man the little truth to be attained in partial hearings? We have often seen communities complain of *ex parte* testimonies; individuals as well as societies of men are equally susceptible of injuries of this kind.

This trial ought to have another effect; it should serve to convince us all of the impropriety, nay, injustice, of giving a latitude in conversation upon topics likely to come under a judicial decision; the criminality of this conduct is certainly enhanced when such loose sallies and discourses are so prevalent as to be likely to touch the life of a citizen; moreover, there is so little certainty to be obtained by such kind of methods, I wonder we so often find them practised. In the present case, how great was the prepossession against us? And I appeal to you, gentlemen, what cause there now is to alter our sentiments? Will any sober, prudent man countenance the proceedings of the people in King Street,—can any one justify their conduct,—is there any one man or any body of men who are interested to espouse and support their conduct?

Surely, no! But our inquiry must be confined to the legality of their conduct, and here can be no difficulty. It was certainly illegal, unless many witnesses are directly perjured: witnesses, who have no apparent interest to falsify,—witnesses who have given their testimony with candor and accuracy,—witnesses whose credibility stands untouched,—whose credibility the counsel for the king do not pretend to impeach or hint a suggestion to their disadvantage.

I say, gentlemen, by the standard of the law are we to judge the actions of the people who were the assailants and those who were the assailed and then on duty. And here, gentlemen, the rule we formerly laid down takes place. To the facts, gentlemen, apply yourselves. Consider them as testified; weigh the credibility of the witnesses—balance their testimony

—compare the several parts of it—see the amount of it; and then, according to your oath, "make true deliverance according to your evidence." That is, gentlemen, having settled the facts, bring them truly to the standard of the law; the king's judges, who are acquainted with it, who are presumed best to know it, will then inspect this great standard of right and wrong, truth and justice; and they are to determine the degree of guilt to which the fact rises.

But before we come to those divisions of inquiry under which I intend to consider the evidence, let me once more carefully distinguish between the transactions in Cornhill and those by the custom-house.

The conduct of the soldiers in Cornhill may well be supposed to have exasperated the minds of all who beheld their behavior. Their actions accumulated guilt as it flew—at least, we may well suppose, the incensed people who related them added new colors to the scene. The flame of resentment imperceptibly enkindles, and a common acquaintance with human nature will show that it is no extravagant supposition to imagine many a moderate man might at such a season, with such sentiments, which I have more than once noticed,—hearing such relations and complaints; I say, do I injure any one, in supposing that under all these circumstances a very moderate person who in ordinary matters acted with singular discretion should now be drawn imperceptibly away, or rather transported into measures which in a future moment he would condemn and lament? What more natural supposition than to suppose many an honest mind might at this time fluctuate thus?

The soldiers are here—we wish them away; we did not send for them; they have cut and wounded the peaceable inhabitants, and it may be my turn next. At this instant of time he has a fresh detail of injuries: resentment redoubles every successive moment —huzza! for the main guard! we are in a moment before the custom-house. No time is given for reflection.

We find from the king's evidence and from our own the cry was, "Here is a soldier!"—not, "Here is the soldier who has injured us"; "Here is the fellow who wounded the man in Cornhill." No, the reasoning, or rather ferment, seems to be, "The soldiers have committed an outrage"—"We have an equal right to inflict punishment—or rather revenge—which they had to make an assault." They said "right," but never considered that those soldiers had no right at all. These are sentiments natural enough to persons in this state of mind: we can easily suppose even good men thinking and acting thus. Very similar to this is the force of Dr. Hiron's testimony and some others But our inquiry is, What says the law? We must calmly inquire whether this, or anything like it, is countenanced by the law. What is natural to the man —what are his feelings are one thing: what is the duty of the citizen is quite another. Reason must resume her seat, and then we shall hear and obey the voice of the law.

The law indulges no man in being his own avenger. Early in the history of jurisprudence we find the sword taken from the party injured and put into the hands of the magistrate. Were not this the case, pun-

ishment would know no bounds in extent or duration. Besides, it saps the very root of distributive justice when any individual invades the prerogative of law and snatches from the civil magistrate the balance and the rod. How much more are the pillars of security shaken, when a mixed body, assembled as those in King Street, assume the province of justice and invade the rights of the citizen? For it must not be forgot that the soldier is a citizen, equally entitled with us all to protection and security. Hence all are alike obliged to pay obedience to the law; for the price of this protection is that of obedience.

Let it not be apprehended that I am advancing a doctrine that a soldier may attack an inhabitant and he not allowed to defend himself. No, gentlemen, if a soldier rush violently through the street and presents a weapon of death in a striking posture, no doubt the person assailed may defend himself even to taking the life of the assailant. Revenge and a sense of self-preservation instantly take possession of the person thus attacked; and the law goes not upon the absurd supposition that a person can in these circumstances unman himself. Hence we find a husband, taking his wife in the act of adultery, instantly seizes a deadly weapon and slays the adulterer. It is not murder. Nay, a fillip upon the nose or forehead, in anger, is supposed by the law to be sufficient provocation to reduce killing to manslaughter. It is therefore upon principles like these—principles upon which those who now bear the hardest against us at other times so much depend; it is, I say, upon the right of

self-defence and self-preservation we rely for our acquittal.

Here again it should be kept in view that whenever a party injuring has escaped by flight, and time sufficient for the passions to cool, in judgment of law, hath elapsed, however great the injury, the injured party must have recourse to law for his redress. Such is the wisdom of the law; of that law, than which we are none of us to presume ourselves wiser; of that law which is found in the experience of ages, and which in condescension to the infirmities of flesh and blood (but to nothing else) extenuates the offence.

For "no man," says the learned Judge Foster, "under the protection of the law is to be the avenger of his own wrongs. If they are of such a nature for which the laws of society will give him an adequate remedy, thither he ought to resort. But be they of what nature soever, he ought to bear his lot with patience and remember that vengeance belongeth to the Most High."

Now, gentlemen, those, whoever they were, who committed the outrage in Cornhill, had absconded; the soldiers, who are supposed to have done them, were confined in their barracks. People were repeatedly told this and assured by the military officers that they should not go unpunished. But what followed? Are all present appeased? We are constrained by the force of the evidence to affirm they were not. But to get regular and right ideas we must consider all the commotions of the season and endeavor to come at the truth by analyzing the evidence and arranging it under distinct heads of inquiry.

[After a further consideration of the evidence in the case Mr. Quincy remarked:]

May it please your honors and you gentlemen of the jury: After having thus gone through the evidence and considered it as applicatory to all and every of the prisoners, the next matter in order seems to be the consideration of the law pertinent upon this evidence.

And here, gentlemen, let me again inform you that the law which is to pass upon these prisoners is a law adapting itself to the human species with all their feelings, passions, and infirmities: a law which does not go upon the absurd supposition that men are stocks and stones, or that in the fervor of the blood a man can act with the deliberation and judgment of a philosopher. No, gentlemen; the law supposes that a principle of resentment, for wise and obvious reasons, is deeply implanted in the human heart, and not to be eradicated by the efforts of State policy. It therefore in some degree conforms itself to all the workings of the passions, to which it pays a great indulgence, so far as not to be wholly incompatible with the wisdom, good order, and the very being of government.

Keeping, therefore, this full in view, let us take once more a very brief and cursory survey of matters supported by the evidence. And here let me ask sober reason, What language more opprobrious, what actions more exasperating, than those used on this occasion? Words, I am sensible, are no justification of blows, but they serve as the grand clues to discover the temper and the designs of the agents; they serve

also to give us light in discerning the apprehensions and thoughts of those who are the objects of abuse.

"You lobster!" — "You bloody-back!"—"You coward!" "You dastard!" are but some of the expressions proved. What words more galling? What more cutting and provoking to a soldier? To be reminded of the color of his garb, by which he was distinguished from the rest of his fellow citizens; to be compared to the most despicable animal that crawls upon the earth, was touching indeed a tender point. To be stigmatized with having smarted under the lash at the halbert, to be twitted with so infamous an ignominy, which was either wholly undeserved or a grievance which would never have been repeated,— I say to call up and awaken sensations of this kind must sting even to madness. But accouple these words with the succeeding actions,—"You dastard!" "You coward!" A soldier and a coward!

This was touching (with a witness) "the point of honor and the pride of virtue." But while these are as yet fomenting the passions and swelling the bosom, the attack is made; and probably the latter words were reiterated at the onset; at least, were yet sounding in the ear. Gentlemen of the jury, for heaven's sake let us put ourselves in the same situation! Would you not spurn at that spiritless institution of society which tells you to be a subject at the expense of your manhood?

But does the soldier step out of his ranks to seek his revenge? Not a witness pretends it. Did not the people repeatedly come within the points of their

bayonets and strike on the muzzles of the guns? You have heard the witnesses.

Does the law allow one member of the community to behave in this manner towards his fellow citizen, and then bid the injured party be calm and moderate? The expressions from one party were—"Stand off, stand off!" "I am upon my station,"—"if they molest me upon my post, I will fire." "By God, I will fire!" "Keep off!"

These words were likely to produce reflection and procure peace. But had the words on the other hand a similar tendency? Consider the temper prevalent among all parties at this time. Consider the then situation of the soldiery; and come to the heat and pressure of the action. The materials are laid, the spark is raised, the fire enkindles, the flame rages, the understanding is in wild disorder, all prudence and true wisdom are utterly consumed. Does common sense, does the law expect impossibilities?

Here, to expect equanimity of temper, would be as irrational as to expect discretion in a madman. But was anything done on the part of the assailants similar to the conduct, warnings, and declarations of the prisoners? Answer for yourselves, gentlemen! The words reiterated all around stabbed to the heart; the actions of the assailants tended to a worse end,—to awaken every passion of which the human breast is susceptible; fear, anger, pride, resentment, revenge, alternately take possession of the whole man.

To expect, under these circumstances, that such words would assuage the tempest, that such actions would allay the flames;—you might as rationally ex-

pect the inundations of a torrent would suppress a deluge; or rather that the flames of Aetna would extinguish a conflagration!

Prepare, gentlemen of the jury, now to attend to that species of law which will adapt itself to this trial with all its singular and aggravating circumstances. A law full of benignity, full of compassion, replete with mercy.

And here, gentlemen, I must, agreeable to the method we formerly adopted, first tell you by what law the prisoners are not to be tried or condemned. And they most certainly are not to be tried by the Mosaic law: a law, we take it, peculiarly designed for the government of a peculiar nation, who being in a great measure under a theocratical form of government, its institutions cannot, with any propriety, be adduced for our regulation in these days.

It is with pain, therefore, I have observed any endeavor to mislead our judgment on this occasion; by drawing our attention to the precepts delivered in the days of Moses, and by disconnected passages of Scriptures applied in a manner foreign to their original design or import, there seems to have been an attempt to touch some peculiar sentiments which we know are thought to be prevalent: and in this way, we take it, an injury is likely to be done, by giving the mind a bias, it ought never to have received; because it is not warranted by our laws.

We have heard it publicly said of late, oftener than formerly, "Whosoever sheddeth man's blood, by man shall has blood be shed." This is plainly, gentlemen, a general rule which, like all others of the kind, must

have its exceptions,—a rule which if taken in its strict literal latitude would imply that a man killing another in self-defence would incur the pains of death; a doctrine which no man in his senses would ever embrace; a doctrine that certainly never prevailed under the Mosaical institution. For we find the Jews had their six cities of refuge to which the manslayer might flee from the avenger of blood; and something analogous to this (if it did not originate from it) is our benefit of clergy.

And so, that "the murderer shall flee to the pit," comes under the same consideration. And when we hear it asked, as it very lately has been, "Who dare stay him?" I answer, if the laws of our country stay him, you ought to do likewise; and every good subject dares to do what the law allows. But the very position is begging the question; for the question now in issue is, whether either of the prisoners is a murderer in the sense of our laws? for you recollect that what is murder and what not is a question of law arising upon facts stated and allowed.

But to go on: "You shall take no satisfaction for the life of a murderer which is guilty of death." Here again is a begging of the question; and moreover the words "guilty of death," if rightly rendered from the original, must be one of those general rules I just now mentioned, which always have their exceptions. But these words seem to be wrongly translated; for in the margin of our great Bible we find them rendered "faulty to die." Against a position of this kind we have no objection. If we have committed a fault on which our laws inflict punishment of death we

must suffer. But what fault we have committed you are to inquire: or rather you, gentlemen, are to find the facts proved in court against us, and the judges are to see and consider what the law pronounces touching our offence and what punishment is thereby inflicted as a penalty.

In order to come at the whole law resulting from the facts which have been proved we must inquire into the legality of the assemblies. For such is the wisdom and policy of the law that if any assembly be lawful each individual of that assembly is answerable only for his own act and not for any other. On the contrary, if an assembly be unlawful, the act of any one of the company to the particular purpose of assembling is chargeable on all. This is law which no lawyer will dispute: it is a law founded in the security of the peace of society, and, however little considered by people in general, it ought now steadily to be kept in mind.

Was the assembly of the soldiers lawful?

For what did the soldiers assemble?

Was the sentinel insulted and attacked?

Did he call for assistance, and did the party go to assist him?

Was it lawful for them so to do?

Were the soldiers, when thus lawfully assembled, assaulted, etc., by a great number of people assembled, etc.?

Was this last assembly lawful?

Was anything done by this unlawful assembly that will in law justify, excuse, or extenuate the offence of killing, so as to reduce it to manslaughter?

Was the killing justifiable; or rather was it justifiable self-defence?

Was the killing excusable; or rather was it self-defence, culpable, but, through the benignity of the law, excusable?

Was the killing felonious: if felonious, was it with or without malice?

[Under each of these heads of inquiry, in their order, Mr. Quincy arranged his arguments: and as he separated and compared and settled the facts, he applied the law with explanatory comments. After which, he concluded his argument as follows:]

May it please your honors, and you, gentlemen of the jury: I have now gone through those authorities in law which I thought pertinent to this trial. I have been thus lengthy, not for the information of the court, but to satisfy you gentlemen, and all who may chance to hear me, of that law which is well known to those of us who are conversant in courts, but not so generally known or attended to by many as it ought to be—a law which extends to each of us as well as to any of the prisoners; for it knows no distinction of persons.

And the doctrines which have been thus laid down are for the safeguard of us all,—doctrines which are founded in the wisdom and policy of ages; which the greatest men who ever lived have adopted and contended for. Nay, the matter has been carried by very wise men much further than we have contested for. And that you may not think the purport of the authorities read are the rigid notions of a dry system and the contracted decisions of municipal law, I beg leave

to read to you a passage from a very great theoretic writer—a man whose praises have resounded through all the known world, and probably will through all ages—whose sentiments are as free air, and who has done as much for learning, liberty, and mankind as any of the sons of Adam—I mean the sagacious Mr. Locke. He will tell you gentlemen, in his Essay on Government, "that all manner of force without right puts man in a state of war with the aggressor; and of consequence, that being in such a state of war, he may lawfully kill him who put him under this unnatural restraint." According to this doctrine we should have nothing to do but inquire whether here was "force without right;" if so, we were in such a state as rendered it lawful to kill the aggressor who put us under so unnatural a restraint.

Few, I believe, will say, after hearing all this evidence, that we were under no "unnatural restraint." But we don't want to extend matters so far. We cite this author to show the world that the greatest friends to their country, to universal liberty, and the immutable rights of all men, have held tenets and advanced maxims more favorable to the prisoners at the bar. And although we should not adopt the sentiments of Mr. Locke in their most extensive latitude, yet there seems to be something very analogous to his opinion which is countenanced in our laws.

There is a spirit which pervades the whole system of English jurisprudence, which inspires a freedom of thought, speech, and behavior. Under a form of government like ours, it would be in vain to expect that pacific, timid, obsequious, and servile temper, so pre-

dominant in more despotic governments. From our happy constitution there results its very natural effects—an impatience of injuries and a strong resentment of insults (and a very wise man has said, "He who tamely beareth insults inviteth injuries"). Hence, I take it, that attention to the "feelings of humanity," to "humanity and imperfection," "the infirmities of flesh and blood;" that attention to "the indelible rights of mankind;" that lenity to "the passions of men;" that "benignity and condescension of the law," so often repeated in our books.

And, indeed, if this were not the case, the genius of our civil constitution and the spirit of our municipal law would be repugnant: that prime defect in any political system—that grand solecism in State policy.

Gentlemen of the jury: This case has taken up much of your time, and it is likely to take up so much more that I must hasten to a close. Indeed, I should not have troubled you, by being thus lengthy, but from a sense of duty to the prisoners; they who in some sense may be said to have put their lives in my hands; they whose situation was so peculiar that we have necessarily taken up more time than ordinary cases require. They, under all these circumstances, placed a confidence it was my duty not to disappoint, and which I have aimed at discharging with fidelity. I trust you, gentlemen, will do the like; that you will examine and judge with a becoming temper of mind; remembering that they who are under oath to declare the whole truth think and act very differently from bystanders, who, being under no ties of this

kind, take a latitude which is by no means admissible in a court of law.

I cannot close this cause better than by desiring you to consider well the genius and spirit of the law which will be laid down, and to govern yourselves by this great standard of truth. To some purposes, you may be said, gentlemen, to be ministers of justice; and "ministers," says a learned judge, "appointed for the ends of public justice, should have written on their hearts the solemn engagements of his Majesty, at his coronation, to cause law and justice in mercy to be executed in all his judgments."

> "The quality of mercy is not strained;
> It droppeth like the gentle rain from heaven.
> It is twice blessed;
> It blesses him that gives, and him that takes."

I leave you, gentlemen, hoping you will be directed in your inquiry and judgment to a right discharge of your duty. We shall all of us, gentlemen, have an hour of cool reflection when the feelings and agitations of the day shall have subsided; when we shall view things through a different and a much juster medium. It is then we all wish an absolving conscience. May you, gentlemen, now act such a part as will hereafter ensure it; such a part as may occasion the prisoners to rejoice. May the blessing of those who were in jeopardy of life come upon you—may the blessing of Him who is "not faulty to die" descend and rest upon you and your posterity.

Jay, John, a noted American patriot, born in New York City, Dec. 12, 1745; died at Bedford, N. Y., May 17, 1829. He was conspicuous in the political events of the Revolutionary period, and contributed powerfully by his pen toward the achievement of national independence, as well as to the organization of the new government. He was associated with Hamilton and Madison in the writing of The Federalist, and he negotiated what is known as Jay's Treaty with England, in 1794. He was appointed by Washington in 1789 the first Chief Justice of the United States. He was governor of New York, 1795-1801, and under his auspices slavery was forever abolished in that State in 1799. Jay was an eloquent writer and speaker, the most celebrated of his many important State papers being the "Address to the People of Great Britain," in 1774.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN.

[Congress, an October 11, 1774, appointed Mr. Lee, Mr. Livingston and Mr. Jay a committee to prepare a memorial to the people of British America, and an address to the people of Great Britain. On the 18th, Mr. Jay reported a draught of the address, which was discussed and amended on the day following, and on the 21st was approved by Congress.]

FRIENDS AND FELLOW SUBJECTS,—When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and, instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she

has either ceased to be virtuous or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence and transmitted the rights of men and the blessings of liberty to you, their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors, that we whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having our lives and property in their power, they may, with the greatest facility, enslave you.

The cause of America is now the object of universal attention; it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

Know, then, that we consider ourselves, and do insist, that we are and ought to be as free as our fellow subjects in Britain, and that no power on earth has a

right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty that no man be condemned unheard, or punished for supposed offences without having an opportunity of making his defence.

That we think the legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man or number of men whatever? You know they will not.

Why, then, are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your Parliament, or any other parliament or council in the world not of their election? Can the intervention of the sea that divides us cause disparity in rights, or can any reason be given why English subjects who live three thousand miles from the royal palace should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the Parliament assert that they have a right to bind us in all cases, without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property than the interdicts of the Pope can divest kings of sceptres which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war,—a war rendered glorious by the abilities and integrity of a minister to whose efforts the British empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles and of a family unfriendly to the Protestant cause and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce: you restrained your trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be

carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain. We looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you, yourselves, to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores and meet disease and death to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money which you confessed we had advanced beyond our proportion and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden change of treatment and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money by the oppressive Stamp Act. Paint, glass, and other commodities which you would not permit us to purchase of other nations were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax, imposed by your Parliament, on all we imported. These and many other impositions were laid upon us, most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint it

was indeed provided that this revenue should be expended in America for its protection and defence.

These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies.

For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money.

To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch both life and property. It was ordained that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty, by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of he vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation and obliges the defendant either to evince his innocence or to suffer.

To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which courts are established and justice duly and regularly administered shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies justice is regularly and impartially administered; and yet, by the construction of some, and the direction of other acts of Parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land by a jury of strangers and subject to all the disadvantages that result from the want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India Company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be

established among us, various methods were adopted to elude the stroke.

The people of Boston, then ruled by a governor whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea were, by his management, prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers.

While the town was suspended by deliberations on this important subject the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them. The East India Company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence, were laid before them. Neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint.

The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of finesse to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to

be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing the omnipotence of Parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! Consult your history; examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose and which had no existence at the time of the fact committed.

If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty to bring poverty, distress, and calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow subjects.

It would be some consolation to us if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants

of the Massachusetts Bay left their former habitations and established that great, flourishing, and loyal colony.

Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law and without justice, by an act of Parliament their charter is destroyed, their liberties violated, their constitution and form of government changed; and all this upon no better pretence than because in one of their towns a trespass was committed on some merchandise said to belong to one of the companies, and because the ministry were of opinion that such high political regulations were necessary to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labor. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependents on great men advanced to the seats of justice and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to seize our persons, and carry us for trial to Great Britain; to blockade our ports; to destroy

our charters and change our forms of government,—would occasion, and had already occasioned, great discontent in the colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment such as might be guilty even of murder in endeavoring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled, and governed as that, by being disunited from us, detached from our interests, by civil as well as religious prejudices; that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us, and on occasion be fit instruments, in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to British America. Superadded to these considerations we cannot help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and, when imprisoned, cannot claim the benefit of the habeas corpus act—that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that

has deluged your island in blood and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they may lead.

Admit that the ministry, by the powers of Britain and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation and reduce us to a state of perfect humiliation and slavery: such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you? It may be said you will cease to pay them—but remember the taxes from America, the wealth and we may add, the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect that after making slaves of us many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know that in less than half a century the quitrents reserved to the crown from the numberless grants of this vast continent will pour large streams of wealth into the royal coffers, and if to this be added the power of taxing America at pleasure, the crown will be rendered independent

of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies and your interest as our own.

But if you are determined that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world.

Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored.

But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston the min-

istry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences, to numbers of our fellow subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a Parliament of such wisdom, independence, and public spirit as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection between all the inhabitants of his Majesty's kingdoms and territories so ardently wished for by every true and honest American.

Livingston, Robert, R., a famous American jurist and orator, born in New York City, Nov. 27, 1746; died at Chantilly, New York, Feb. 26, 1813. He was a prosperous lawyer in his native city at the outbreak of the American Revolution, but lost his office as recorder on account of his patriotic opinions. He was a member of the Continental Congress, and as the first chancellor of the State of New York administered the oath of office to Washington at his inauguration in 1789. While minister to France, 1801–04, he aided in securing Louisiana to the Union, and he was on most friendly terms with Bonaparte. He was interested in Fulton's early experiments with steam navigation, and as an advocate of agricultural interests, was one of the first to introduce merino sheep-raising into the United States.

ORATION BEFORE THE CINCINNATI

DELIVERED AT THE CITY HALL, NEW YORK, JULY 4, 1787.

I COULD have wished, gentlemen, that the task I am now about to perform had been assigned to some abler speaker; and in that view I long since tendered my apology for declining it and hoped till lately that it had been accepted. Disappointed in this hope, and unwilling to treat any mark of your favor with neglect, I determined to obey your commands, although I was satisfied that in the execution of them I should not answer your expectations. There is a style of eloquence adapted to occasions of this kind, to which I feel myself unequal; a style which requires the glowing imagination of younger speakers, who, coming recently from the schools of rhetoric, know how to

dress their sentiments in all its flowery ornaments. The turbulence of the times since I first entered upon public life, and the necessity they imposed upon those who engaged in them of attending rather to things than words, will, I fear, render me, if not a useless, at least an unpolished speaker.

If the mind dwells with pleasure on interesting events; if the soul pants to emulate the noble deeds it contemplates; if virtue derives new force from the successful struggles of the virtuous, it is wise to set apart certain seasons when, freed from meaner cares, we commemorate events which have contributed to the happiness of mankind or afford examples worthy their imitation. What are we this day called upon to commemorate? Some signal victory in which the victor weeps the loss of friends and humanity mourns over the graves of the vanquished? The birth of some prince whom force, fraud, or accident has entitled to a throne? Or even that of some patriot who has raised the reputation and defended the rights of his country? No, gentleman, a nobler subject than the splendor of victories or the birth of princes demands our attention. We are called upon to commemorate the successful battles of freedom and the birth of nations.

It may be expected, and indeed I believe it is usual on such occasions, that I should tread the steps we have taken from the dawn of oppression to the bright sunshine of independence; that I should celebrate the praise of patriots who have been actors in the glorious scene; and more particularly that I should lead you to the shrines of those that have offered up their

lives in support of their principles and sealed with their blood your charters of freedom.

Had I no other object in view than to amuse you and indulge my own feelings I should take this path. For what task more delightful than to contemplate the successful struggles of virtue; to see it at one moment panting under the grasp of oppression and rising in the next with renewed strength; as if, like the giant son of earth, she had acquired vigor from the fall; to see hope and disappointment, plenty and want, defeats and victories, following each other in rapid succession, and contributing, like light and shade, to the embellishment of the piece!

What more soothing to the soft and delicate emotions of humanity than to wander with folded arms and slow and pensive step amidst the graves of departed heroes, to indulge the mingled emotions of grief and admiration; at one moment giving way to private sorrow and lamenting the loss of a friend, a relation, a brother; in the next glowing with patriot warmth, gazing with ardor on their wounds and invoking their spirits while we ask of heaven to inspire us with equal fortitude! But, however pleasing this task, the desire of being useful impels me, at this interesting moment, to forego this pleasure; to call you from this tender scene; to remind you that you are the citizens of a free state; to bid you rejoice with Roman pride that those you love have done their duty; to exhort you to crown the glorious work they have begun; for, alas! my friends, though they have nobly performed the part assigned them, the work is still unfinished and much remains for us to do. It

may not, therefore, be improper, amidst the congratulations I make you on this day—this day, distinguished in the annals of fame for the triumph of freedom and the birth of nations—to inquire how far it has been productive of the advantages we might reasonably have expected, and where they have fallen short of our expectations.

To investigate the causes that have conduced to our disappointment; two objects demand our attention,—our internal and federal governments: either, to those who are disposed to view only the gloomy side of the picture, will afford sufficient matter for censure and too much cause of uneasiness. Many desponding spirits, misled by their reflections, have ceased to rejoice in independence and to doubt whether it is to be considered as a blessing. God forbid that there should be any such among us. For whatever may be the pressure of our present evils, they will cease to operate when we resolve to remove them; the remedy is within our reach, and I have sufficient confidence in our fortitude to hope that it will be applied.

Let those, however, who know not the value of our present situation contrast it with the state of servitude to which we should have been reduced had we patiently submitted to the yoke of Britain. She had long since seen our case with envy and our strength with jealousy. Loaded with debt, she wished to share that affluence which she attributed to her protection rather than to our industry. Tenacious of her supposed supremacy, she could not be indifferent to those increasing numbers which threatened its subversion. Avarice and timidity concurred in framing a system of despot-

ism which, but for our resistance, would have reduced us to the vilest subjection. Having resisted, accommodation was vain; pretences would not have been wanting to ruin those that had been active in opposition. Disputes among ourselves would have been encouraged, and advantages derived from our disunion would have enabled her ultimately to attain her object. No alternative was left but independence or abject submission. We have chosen as became a wise and generous people. Let slaves or cowards disapprove the choice.

Our constitutions are formed to insure the happiness of a virtuous nation. They guard against the tumult and confusion of unwieldy popular assemblies, while they yielded to every citizen his due share of power. They preserve the administration of justice pure and unbiassed, by the independence of the judges. They prevent abuses in the execution of the laws by committing the care of enforcing them to magistrates who have no share in making nor voice in expounding them.

In these circumstances they excel the boasted models of Greece or Rome, and those of all other nations, in having precisely marked out the power of the government and the rights of the people. With us the law is written: no party can justify their errors under former abuses or doubtful precedents. With these constitutions, I shall be asked how it has happened that the evils hinted at continue to exist. I shall endeavor to answer this inquiry, since my object in treating of this subject is to impress upon you the obligations we are under as citizens, as men whose

past services entitle us to some weight in the community, zealously to unite in promoting a constitutional reform of every abuse that affects the government.

Our constitutions being purely democratic, the people are sovereign and absolute. The faults of absolute governments are to be charged to the sovereign: in ours they must be traced back to the people.

If our executive has sufficient energy, if the judicial is competent to the administration of justice, if our legislative is so formed as that no law can pass without due deliberation, all the ends of government are answered so far as they depend upon the constitution. If still it falls short of expectation, the evils must be sought in the administration: and since every person concerned in that is either mediately or immediately chosen by the people they may change it at pleasure.

What can be devised more perfect than that constitution which puts in the power of those who experience the effects of a maladministration to prevent their continuance; not by mad, tumultuous, and irregular acts, as in the ancient republics, but by such as are cool, deliberate, and constitutional? If they still exist, they must be charged to the negligence of the people, who, after violent agitation, have sunk into such a state of torpor and indifference with respect to government as to be careless into what hands they trust their dearest rights.

When we choose an agent to manage our private affairs, an executor to distribute our estate, we are solicitous about the integrity and ability of those we

entrust: we consult our friends: we make the choice after due deliberation. Is it not astonishing that when we are to elect men whose power extends to our liberty, our property, and our lives we should be so totally indifferent that not one in ten of us tenders his vote?

Can it be thought that an enlightened people believe the science of government level to the meanest capacity—that experience, application, and education are unnecessary to those who are to frame laws for the government of the state? And yet, are instances wanting in which these have been proscribed and their place supplied by those insidious arts which have rendered them suspected? Are past services the passport to future honors? Or have you yourselves, gentlemen, escaped the general obloquy? Are you not calumniated by those you deem unworthy of your society? Are you not even shunned by some who should wear with pride and pleasure this badge of former services?

You have learned in the school of adversity to appreciate characters. You are not formed, whoever may direct, to promote measures you disapprove. Men used to command and to obey are sensible of the value of government and will not consent to its debasement. Your services entitle you to the respect and favor of a grateful people. Envy and the ambition of the unworthy concur to rob you of the rank you merit.

To these causes we owe the cloud that obscures our internal governments. But let us not despair: the sun of science is beginning to rise; and, as new light

breaks in upon the minds of our fellow citizens, that cloud will be dispelled.

Having observed that our internal constitutions are adequate to the purposes for which they were formed, and that the inconveniences we have some time felt under them were imputable to causes which it was in our power to remove, I might perhaps add that the continuance of those evils is a proof of the happiness these governments impart; since, had they not been more than balanced by advantages, they would have pressed with such weight as to have compelled the people to apply the remedy the constitution affords.

But when I turn my eyes to the other great object of a patriot's attention, our federal government, I confess to you, my friends, I sicken at the sight. Nothing presents itself to my view but a nerveless council, united by imaginary ties, brooding over ideal decrees which caprice or fancy is at pleasure to annul or execute! I see trade languish; public credit expire; and that glory which is not less necessary to the prosperity of a nation than reputation to individuals a victim to opprobium and disgrace.

Here, my friends, you are particularly interested; for I believe I should do little justice to the motives that induced you to brave the dangers and hardships of a ten years' war if I supposed you had nothing more in view than humble peace and ignominious obscurity. Brave souls are influenced by nobler motives; and I persuade myself that the rank and glory of the nation you have established were among the strongest that nerved your arms and invigorated your hearts. Let us not, then, my friends, lose sight of this

splendid object; having pursued it through fields of blood let us not relinquish the chase when nothing is necessary to its attainment but union, firmness, and temperate deliberation.

In times of extreme danger, whoever has the courage to seize the helm may command the ship: each mariner, distrusting his own skill, is ready to repose upon that of others. Congress, not attending to this reflection, were misled by the implicit respect that, during the war, was paid to their recommendations; and, without looking forward to times when the circumstances which made the basis of their authority should no longer exist, they formed a constitution only adapted to such circumstances. Weak in itself, a variety of causes have conspired to render it weaker.

Some States have totally neglected their representation in Congress; while some others have been inattentive, in their choice of delegates, to those qualities which are essential to the support of its reputation: objects of some moment where authority is founded on opinion only. To these I am sorry, gentlemen, to add a third, which operates with peculiar force in some States: the love of power, of which the least worthy are always the most tenacious. To deal out a portion of it to Congress would be to share that which some among those who are elected by popular favor already find too little for their own ambition. To preserve it, rulers of free States practise a lesson they have received from eastern tyrants; and as these, to preserve the succession, put out the eyes of all that may approach the seat of power, so

those strive to blind the people, whose discernment, they fear, may expel them from it.

I will not wear your patience and my own by contending with those chimeras they have raised to fright the people from remedying the only real defect of this government. Nor will I dwell upon that wretched system of policy which has sunk the interest and reputation of such States in the great council of America, and drawn upon them the hatred and contempt of their neighbors. Who will deny that the most serious evils daily flow from the debility of our federal constitution? Who but owns that we are at this moment colonies, for every purpose but that of internal taxation, to the nation from which we vainly hoped our sword had freed us?

Who but sees with indignation British ministers daily dictating laws for the destruction of our commerce? Who but laments the ruin of that brave, hardy, and generous race of men who are necessary for its support? Who but feels that we are degraded from the rank we ought to hold among the nations of the earth,—despised by some, maltreated by others, and unable to defend ourselves against the cruel depredations of the most contemptible pirates? At this moment—yes, great God! at this moment—some among those, perhaps, who have labored for the establishment of our freedom, are groaning in barbarian bondage. Hands that may have wielded the sword in our defence are loaded with chains. Toilsome tasks, gloomy prisons, whips and tortures, are the portion of men who have triumphed with us and exulted in

the idea of giving being to nations and freedom to unnumbered generations!

These, sirs, these are a few of the many evils that result from the want of a federal government. Our internal constitutions may make us happy at home, but nothing short of a federal one can render us safe or respectable abroad. Let us not, however, in our eagerness to attain one, forget to preserve the other inviolate; for better is distress abroad than tyranny and anarchy at home. A precious deposit is given into our keeping: we hold in our hands the fate of future generations. While we acknowledge that no government can exist without confidence in the governing power, let us also remember that none can remain free where that confidence is incautiously bestowed.

How, gentlemen, shall I apologize for having obtruded this serious address upon the gayeties of this happy day? I told you, and told you truly, that I was ill qualified to play the holiday orator; and I might have added that the joy of this day is ever attended, in my mind, with a thousand mingled emotions. Reflection on the past brings to memory a variety of tender and interesting events; while hope and fear, anxiety and pleasure, alternately possess me when I endeavor to pierce the veil of futurity. But never, never before have they pressed upon me with the weight they do at present.

I feel that some change is necessary; and yet I dread lest the demon of jealousy should prevent such change; or the restless spirit of innovation should carry us beyond what is necessary. I look round for aid; I see in you a band of patriots—the supporters of

your country's rights: I feel myself indebted to you for the freedom we enjoy: I know that your emotions cannot be different from my own; and I strive, by giving you the same views on these important subjects, to unite your efforts in the common cause. Let us, then, preserve pure and perfect those principles of friendship for each other, of love for our country, of respect for the Union, which supported us in our past difficulties. Let us reject the trammels of party, and, as far as our efforts will go, call every man to the post his virtues and abilities entitle him to occupy.

Let us watch with vigilant attention over the conduct of those in power; but let us not with coward caution restrain their efforts to be useful; and let us implore that omnipotent Being who gave us strength and wisdom in the hour of danger to direct our great council to that happy mean which may afford us respect and security abroad and peace, liberty, and prosperity at home.

Madison, James, a distinguished American statesman, fourth President of the United States, born at Port Conway, Va., March 16, 1751 ; died at Montpelier, Va., June 28, 1836. He sympathized heartily with the popular discontent preceding the American Revolution, and was elected a member of the Virginia Convention in 1776, and of the Council of State the next year. He also served in Congress, 1780–84, and was one of the delegates to the Constitutional Convention of 1789, his notes of the proceedings on that occasion forming our most trustworthy account of what took place. With Jay and Hamilton he was associated in writing The Federalist. He was President of the United States for two terms, 1809-17, the second war with England occurring during his presidency. After the close of his second term he lived in retirement. His state papers, which are dignified in style, are very numerous, and have been published in six volumes.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION

CONVENTION OF VIRGINIA, JUNE 6, 1788

Mr. Chairman :

IN WHAT I am about to offer to this assembly, I shall not attempt to make impressions by any ardent professions of zeal for the public welfare. We know that the principles of every man will be, and ought to be, judged not by his professions and declarations, but by his conduct. By this criterion, I wish, in common with every other member, to be judged; and even though it should prove unfavorable to my reputation, yet it is a criterion from which I by no means would

depart, nor could if I would. Comparisons have been made between the friends of this Constitution and those who oppose it. Although I disapprove of such comparisons, I trust that in everything that regards truth, honor, candor, and rectitude of motives, the friends of this system, here and in other States, are not inferior to its opponents. But professions of attachment to the public good, and comparisons of parties, at all times invidious, ought not to govern or influence us now. We ought, sir, to examine the Constitution exclusively on its own merits. We ought to inquire whether it will promote the public happiness; and its aptitude to produce that desirable object ought to be the exclusive subject of our researches. In this pursuit, we ought to address our arguments not to the feelings and passions, but to those understandings and judgments which have been selected, by the people of this country, to decide that great question by a calm and rational investigation. I hope that gentlemen, in displaying their abilities on this occasion, will, instead of giving opinions and making assertions, condescend to prove and demonstrate, by fair and regular discussion. It gives me pain to hear gentlemen continually distorting the natural construction of language. Assuredly, it is sufficient if any human production can stand a fair discussion. Before I proceed to make some additions to the reasons which have been adduced by my honorable friend over the way, I take the liberty to make some observations on what was said by another gentleman (Mr. Henry). He told us that this Constitution ought to be rejected, because, in his opinion, it endangered the public liberty

in many instances. Give me leave to make one answer to that observation—let the dangers with which this system is supposed to be replete, be clearly pointed out. If any dangerous and unnecessary powers be given to the general legislature, let them be plainly demonstrated, and let us not rest satisfied with general assertions of dangers, without proof, without examination. If powers be necessary, apparent danger is not a sufficient reason against conceding them. He has suggested that licentiousness has seldom produced the loss of liberty; but that tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations; but on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions which, in republics, have, more frequently than any other cause, produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from those causes. If we consider the peculiar situation of the United States, and go to the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes may terminate here in the same fatal effects which they produced in those republics. This danger ought to be wisely guarded against. In the progress of this discussion it will, perhaps, appear, that the only possi-

ble remedy for those evils, and the only certain means of preserving and protecting the principles of republicanism, will be found in that very system which is now exclaimed against as the parent of oppression. I must confess that I have not been able to find his usual consistency in the gentleman's arguments on this occasion. He informs us that the people of this country are at perfect repose; that every man enjoys the fruits of labor peaceably and securely, and that everything is in perfect tranquillity and safety. I wish sincerely, sir, this were true. But if this be really their situation, why has every State acknowledged the contrary? Why were deputies from all the States sent to the general convention? Why have complaints of national and individual distresses been echoed and re-echoed throughout the continent? Why has our general government been so shamefully disgraced, and our Constitution violated? Wherefore have laws been made to authorize a change, and wherefore are we now assembled here? A federal government is formed for the protection of its individual members. Ours was itself attacked with impunity. Its authority has been boldly disobeyed and openly despised. I think I perceive a glaring inconsistency in another of his arguments. He complains of this Constitution, because it requires the consent of at least three-fourths of the States to introduce amendments which shall be necessary for the happiness of the people. The assent of so many, he considers as too great an obstacle to the admission of salutary amendments, which he strongly insists ought to be at the will of a bare majority, and we hear this

argument at the very moment we are called upon to assign reasons for proposing a Constitution which puts it in the power of nine States to abolish the present inadequate, unsafe, and pernicious confederation! In the first case, he asserts that a majority ought to have the power of altering the government, when found to be inadequate to the security of public happiness. In the last case, he affirms that even three-fourths of the community have not a right to alter a government which experience has proved to be subversive of national felicity; nay, that the most necessary and urgent alterations cannot be made without the absolute unanimity of all the States. Does not the thirteenth article of the confederation expressly require that no alteration shall be made without the unanimous consent of all the States? Can anything in theory be more perniciously improvident and injudicious than this submission of the will of the majority of the most trifling minority? Have not experience and practice actually manifested this theoretical inconvenience to be extremely impolitic? Let me mention one fact, which I conceive must carry conviction to the mind of any one—the smallest State in the Union has obstructed every attempt to reform this government; that little member has repeatedly disobeyed and counteracted the general authority; nay, has even supplied the enemies of its country with provisions. Twelve States had agreed to certain improvements which were proposed, being thought absolutely necessary to preserve the existence of the general government; but as these improvements, though really indispensable, could not, by the

confederation, be introduced into it without the consent of every State, the refractory dissent of that little State prevented their adoption. The inconveniences resulting from this requisition of unanimous concurrence in alterations of the confederation, must be known to every member in this convention; it is therefore needless to remind them of them. Is it not self-evident, that a trifling minority ought not to bind the majority? Would not foreign influence be exerted with facility over a small minority? Would the honorable gentleman agree to continue the most radical defects in the old system, because the petty State of Rhode Island would not agree to remove them?

He next objects to the exclusive legislation over the district where the seat of the government may be fixed. Would he submit that the representatives of this State should carry on their deliberations under the control of any one member of the Union? If any State had the power of legislation over the place where Congress should fix the general government, it would impair the dignity and hazard the safety of Congress. If the safety of the Union were under the control of any particular State, would not foreign corruption probably prevail in such a State, to induce it to exert its controlling influence over the members of the general government? Gentlemen cannot have forgotten the disgraceful insult which Congress received some years ago. And, sir, when we also reflect, that the previous cession of particular States is necessary before Congress can legislate exclusively

anywhere, we must, instead of being alarmed at this part, heartily approve of it.

But the honorable member sees great danger in the provision concerning the militia. Now, sir, this I conceive to be an additional security to our liberties, without diminishing the power of the States in any considerable degree; it appears to me so highly expedient, that I should imagine it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. But Congress ought to have the power of establishing a uniform system of discipline throughout the States; and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases must flash conviction on any reflecting mind. Without uniformity of discipline, military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union, for the purpose of repelling invasions, the country might be overrun and conquered by foreign enemies. Without such a power to suppress insurrections, our liberties might be destroyed by intestine faction, and domestic tyranny be established. . . .

Give me leave to say something of the nature of the government, and to show that it is perfectly safe and just to vest it with the power of taxation. There are a number of opinions; but the principal question is, whether it be a federal or a consolidated government. In order to judge properly of the question be-

fore us, we must consider it minutely, in its principal parts. I myself conceive that it is of a mixed nature; it is, in a manner, unprecedented. We cannot find one express prototype in the experience of the world: it stands by itself. In some respects it is a government of a federal nature; in others, it is of a consolidated nature. Even if we attend to the manner in which the Constitution is investigated, ratified, and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated; nor is it entirely federal. Who are the parties to it? The people—not the people as composing one great body, but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment, and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government as is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent, derivative authority of the Legislatures of the States; whereas this is

derived from the superior power of the people. If we look at the manner in which alterations are to be made in it, the same idea is in some degree attended to. By the new system, a majority of the States cannot introduce amendments; nor are all the States required for that purpose; three-fourths of them must concur in alterations; in this there is a departure from the federal idea. The members to the national House of Representatives are to be chosen by the people at large, in proportion to the numbers in the respective districts. When we come to the Senate, its members are elected by the States in their equal and political capacity; but had the government been completely consolidated, the Senate would have been chosen by the people, in their individual capacity, in the same manner as the members of the other House. Thus it is of a complicated nature, and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a mere confederacy. If Virginia were separated from all the States, her power and authority would extend to all cases; in like manner, were all powers vested in the general government, it would be a consolidated government; but the powers of the Federal government are enumerated; it can only operate in certain cases: it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.

But the honorable member has satirized, with peculiar acrimony, the power given to the general government by this Constitution. I conceive that the first question on this subject is, whether these powers be necessary; if they be, we are reduced to the dilem-

ma of either submitting to the inconvenience, or losing the Union. Let us consider the most important of these reprobated powers; that of direct taxation is most generally objected to. With respect to the exigencies of government, there is no question but the most easy mode of providing for them will be adopted. When, therefore, direct taxes are not necessary, they will not be recurred to. It can be of little advantage to those in power to raise money in a manner oppressive to the people. To consult the conveniences of the people will cost them nothing, and in many respects will be advantageous to them. Direct taxes will only be recurred to for great purposes. What has brought on other nations those immense debts, under the pressure of which many of them labor? Not the expenses of their governments, but war. If this country should be engaged in war (and I conceive we ought to provide for the possibility of such a case), how would it be carried on? By the usual means provided from year to year? As our imports will be necessary for the expenses of government, and other common exigencies, how are we to carry on the means of defence? How is it possible a war could be supported without money or credit? And would it be possible for government to have credit, without having the power of raising money? No, it would be impossible for any government, in such a case, to defend itself. Then, I say, sir, that it is necessary to establish funds for extraordinary exigencies, and give this power to the general government; for the utter inutility of previous requisitions on the States is too well known. Would it be possi-

ble for those countries, whose finances and revenues are carried to the highest perfection, to carry on the operations of government on great emergencies, such as the maintenance of a war, without an uncontrolled power of raising money? Has it not been necessary for Great Britain, notwithstanding the facility of the collection of her taxes, to have recourse very often to this and other extraordinary methods of procuring money? Would not her public credit have been ruined, if it was known that her power to raise money was limited? Has not France been obliged, on great occasions, to recur to unusual means, in order to raise funds? It has been the case in many countries, and no government can exist unless its powers extend to make provisions for every contingency. If we were actually attacked by a powerful nation, and our general government had not the power of raising money, but depended solely on requisitions, our condition would be truly deplorable: if the revenues of this commonwealth were to depend on twenty distinct authorities, it would be impossible for it to carry on its operations. This must be obvious to every member here: I think, therefore, that it is necessary for the preservation of the Union that this power should be given to the general government.

But it is urged that its consolidated nature, joined to the power of direct taxation, will give it a tendency to destroy all subordinate authority; that its increasing influence will speedily enable it to absorb the State governments. I cannot bring myself to think that this will be the case. If the general government were wholly independent of the governments of the par-

ticular States, then, indeed, usurpation might be expected to the fullest extent: but, sir, on whom does this general government depend? It derives its authority from these governments, and from the same sources from which their authority is derived. The members of the Federal Government are taken from the same men from whom those of the State Legislatures are taken. If we consider the mode in which the Federal Representatives will be chosen, we shall be convinced that the general never will destroy the individual governments; and this conviction must be strengthened by an attention to the construction of the Senate. The Representatives will be chosen, probably under the influence of the State Legislatures: but there is not the least probability that the election of the latter will be influenced by the former. One hundred and sixty members representing this commonwealth in one branch of the Legislature, are drawn from the people at large, and must ever possess more influence than the few men who will be elected to the general Legislature. Those who wish to become Federal Representatives must depend on their credit with that class of men who will be the most popular in their counties, who generally represent the people in the State governments: they can, therefore, never succeed in any measure contrary to the wishes of those on whom they depend. So that, on the whole, it is almost certain that the deliberations of the members of the Federal House of Representatives will be directed to the interests of the people of America. As to the other branch, the Senators will be appointed by the Legislatures, and, though elected for six years,

I do not conceive they will so soon forget the source whence they derive their political existence. This election of one branch of the Federal, by the State Legislatures, secures an absolute dependence of the former on the latter. The biennial exclusion of one-third will lesson the facility of a combination, and preclude all likelihood of intrigues. I appeal to our past experience, whether they will attend to the interests of their constituent States. Have not those gentlemen who have been honored with seats in Congress often signalized themselves by their attachment to their States? Sir, I pledge myself that this government will answer the expectations of its friends, and foil the apprehensions of its enemies. I am persuaded that the patriotism of the people will continue, and be a sufficient guard to their liberties, and that the tendency of the Constitution will be, that the State government will counteract the general interest, and ultimately prevail. The number of the Representatives is yet sufficient for our safety, and will gradually increase; and if we consider their different sources of information, the number will not appear too small.

Sir, that part of the proposed Constitution which gives the general government the power of laying and collecting taxes, is indispensable and essential to the existence of any efficient or well-organized system of government; if we consult reason, and be ruled by its dictates we shall find its justification there: if we review the experience we have had, or contemplate the history of nations, thereto, we shall find ample reasons to prove its expediency. It would be preposter-

ous to depend for necessary supplies on a body which is fully possessed of the power of withholding them. If a government depends on other governments for its revenues; if it must depend on the voluntary contributions of its members its existence must be precarious. 'A government that relies on thirteen independent sovereignties for the means of its existence, is a solecism in theory, and a mere nullity in practice. Is it consistent with reason, that such a government can promote the happiness of any people? It is subversive of every principle of sound policy, to trust the safety of a community with a government totally destitute of the means of protecting itself or its members. Can Congress, after the repeated unequivocal proofs it has experienced of the utter inutility and inefficacy of requisitions, reasonably expect that they would be hereafter effectual or productive? Will not the same local interests, and other causes, militate against a compliance? Whoever hopes the contrary must be forever disappointed. The effect, sir, cannot be changed without a removal of the cause. Let each country in this commonwealth be supposed free and independent: let your revenues depend on requisitions of proportionate quotas from them: let application be made to them repeatedly, and then ask yourself, is it to be presumed that they would comply, or that an adequate collection could be made from partial compliances? It is now difficult to collect the taxes from them: how much would that difficulty be enhanced, were you to depend solely on their generosity? I appeal to the reason of every gentleman

suaded that the present confederation is as feeble as the government of Virginia would be in that case; to the same reason I appeal, whether it be compatible with prudence to continue a government of such manifest and palpable weakness and inefficiency.

INAUGURAL ADDRESS.

UNWILLING to depart from examples of the most revered authority, I avail myself of this occasion, now presented, to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel; and that of our country full of difficulties. The pressure of these two is the more severely felt because they have fallen upon us at a moment when, national prosperity being at a height not before attained, the contrast resulting from this change has been rendered the more striking. Under the benign influence of our republican institutions and the maintenance of peace with all nations, whilst so many of

them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue and the use made of it in reducing the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world the truth of these assertions will not be questioned. Posterity at least will do justice to them.

This unexceptional course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations that not even a pretext for them has been given by the

United States, and of the fair and liberal attempts to induce a revocation of them, cannot be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction it is because I find some support in a consciousness of the purposes and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer, in all cases, amiable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with and essential to the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely ex-

empted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limit a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics, that without standing armies their liberty can never be in danger, nor, with large ones, safe; to promote by authorized means improvements friendly to agriculture, to manufactures, and to external, as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state: as far as sentiments and intentions such as these can aid the fulfilment of my duty they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak; I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed

for exalted talents zealously devoted through a long career to the advancement of its highest interest and happiness. But the source to which I look for the aids which can alone supply my deficiencies is in the well-tried intelligence and virtue of my fellow citizens and in the councils of those representing them in the other departments associated in the care of the national interests. In these my confidence will, under every difficulty, be best placed; next to that we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past as well as our fervent supplications and best hopes for the future.

Red Jacket, Sagoyewatha, an Indian chief of the Seneca tribe, famous for his oratory, born at Old Castle, near Geneva, N. Y., in 1751; died at Seneca Village, N. Y., Jan. 30, 1830. He obtained his name because of his fondness for a scarlet tunic given him by an English officer for speed in running. After 1800, he was the most prominent leader of the Six Nations. Red Jacket fought with his tribe on the English side in the American Revolution, but in the second war with England he espoused the American cause. He possessed extraordinary powers as an orator, and his style was one of great dignity and impressiveness. His most celebrated speech was delivered at Fort Stanwix in opposition to the treaty between the United States and the Six Nations.

SPEECH AT FORT STANWIX.

[A succession of outrages upon the Indians residing along the Pennsylvania border, resulting at different times in the murder of several of their people, induced the Senecas and Tuscaroras in February, 1801, to send a deputation of their chiefs to the seat of the Federal government, which, since the last Seneca embassage, had been transferred from Philadelphia to the city of Washington. Red Jacket was at the head of this deputation, which was received formally, with an appropriate speech, by the acting secretary of war, Samuel Dexter, on the 10th of February. On the 11th Red Jacket replied, setting forth the business of his mission in the following speech:]

BROTHER.—We received your speech, which removed all uneasiness from our minds. We then told you that should it please the Great Spirit to permit us to rise in health this day you should hear what we have come to say.

Brother, the business on which we are now come is

to restore the friendship that has existed between the United States and the Six Nations, agreeable to the direction of the commissioner from the fifteen fires of the United States. He assured us that whensoever, by any grievance, the chain of friendship should become rusty, we might have it brightened by calling on you. We dispense with the usual formality of having your speech again read, as we fully comprehended it yesterday, and it would therefore be useless to waste time in a repetition of it.

Brother, yesterday you wiped the tears from our eyes, that we might see clearly; you unstopped our ears that we might hear; and removed the obstructions from our throats that we might speak distinctly. You offered to join with us in tearing up the largest pine-tree in our forests, and under it to bury the tomahawk. We gladly join with you, brother, in this work, and let us heap rocks and stones on the root of this tree that the tomahawk may never again be found.

Brother, your apology for not having wampum is sufficient, and we agree to accept of your speeches on paper, to evince our sincerity in wishing the tomahawk forever buried. We accompany a repetition of our assurances with these strings [Strings of wampum.]

Brother, we always desire, on similar melancholy occasions, to go through our customary forms of condolence, and have been happy to find the officers of the government of the United States willing in this manner to make our minds easy.

Brother, we observe that the men now in office are new men, and, we fear, not fully informed of all that has befallen us. In 1791 a treaty was held by

the commissioners of Congress with us at Tioga Point, on a similar occasion. We have lost seven of our warriors, murdered in cold blood by white men, since the conclusion of the war. . We are tired of this mighty grievance and wish some general arrangement to prevent it in future. The first of these was murdered on the banks of the Ohio, near Fort Pitt. Shortly after two men belonging to our first families were murdered at Pine Creek; then one at Fort Franklin; another at Tioga Point; and now the two that occasion this visit, on the Big Beaver. These last two had families. The one was a Seneca; the other a Tuscarora. Their families are now destitute of support, and we think that the United States should do something toward theis support, as it is to the United States they owe the loss of their heads.

Brother, these offences are always committed in one place on the frontier of Pennsylvania. In the Genesee country we live happy and no one molests us. I must therefore beg that the President will exert all his influence with all officers, civil and military, in that quarter, to remedy this grievance, and trust that he will thus prevent a repetition of it and save our blood from being spilled in future. [A belt.]

Brother, let me call to mind the treaty between the United States and the Six Nations, concluded at Canandaigua. At that treaty Colonel Pickering, who was commissioner on behalf of the United States, agreed that the United States should pay to the Six Nations four thousand five hundred dollars per annum, and that this should pass through the hands of he superintendent of the United States, to be appointed for

that purpose. This treaty was made in the name of the President of the United States, who was then General Washington; and, as he is now no more, perhaps the present President would wish to renew the treaty. But if he should think the old one valid and is willing to let it remain in force we are also willing. The sum above mentioned we wish to have part of in money, to expend in more agricultural tools and in purchasing a team, as we have some horses that will do for the purpose. We also wish to build a sawmill on the Buffalo creek. If the President, however, thinks proper to have it continue as heretofore, we shall not be very uneasy. Whatever he may do we agree to; we only suggest this for his consideration. [A belt.]

Brother, I hand you the above-mentioned treaty, made by Colonel Pickering in the name of General Washington, and the belt that accompanied it; as he is now dead we know not if it is still valid. If not, we wish it renewed—if it is, we wish it copied on clean parchment. Our money got loose in our trunk and tore it. We also show you the belt which is the path of peace between our Six Nations and the United States. [Treaty and two belts.]

Brother, a request was forwarded by us from the Onondaga Nation to the Governor of New York that he should appoint a commissioner to hold a treaty with them. They have a reservation surrounded by white men which they wish to sell. The Cayugas also have a reservation so surrounded that they have been forced to leave it, and they hope that the President's commissioner, whom they expect he will not hesitate

to appoint, will be instructed to attend to this business. We also have some business with New York which we would wish him to attend to.

Brother, the business that has caused this our long journey was occasioned by some of your bad men; the expense of it has been heavy on us. We beg that as so great a breach has been made on your part, the President will judge it proper that the United States should bear our expenses to and from home and whilst here.

Brother, three horses belonging to the Tuscarora Nation were killed by some men under the command of Major Rivardi, on the plains of Niagara. They have made application to the superintendent and to Major Rivardi, but get no redress. You make us pay for our breaches of the peace, why should you not pay also? A white man has told us the horses were killed by Major Rivardi's orders, who said they should not be permitted to come there, although it was an open common on which they were killed. Mr. Chapin has the papers respecting these horses, which we request you to take into consideration.

DEFENCE OF STIFF-ARMED GEORGE.

[Some time during the year 1802, John Hewitt, a white man, was murdered at Buffalo Creek by Stiff-armed-George, an Indian, who was intoxicated at the time he committed the act. His surrender was demanded by the civil authorities of New York. This demand was resisted, the fact of drunkenness on the part of the offender being pleaded in extenuation of the crime. After several meetings between the Indians and the citizens, in which the latter had vainly attempted to persuade the former to surrender the culprit, a council of the principal chiefs of the Senecas, Cayugas, and Onondagas was convened at Canandaigua, to give the question a more solemn consideration. A conference having been arranged between the council and the principal inhabitants, Red Jacket, arguing against the surrender upon the principles already indicated, delivered the following speech, addressed particularly to the white portion of his audience:]

Brothers,—Open your ears and give your attention. This day is appointed by the Great Spirit to meet our friends at this place. During the many years that we have lived together in this country good will and harmony have subsisted among us.

Brothers, we have now come forward on an unhappy occasion. We cannot find words to express our feelings upon it. One of our people has murdered one of your people. So it has been ordered by the Great Spirit, who controls all events. This has been done: we cannot now help it. At first view it would seem to have the effect of putting an end to our friendship; but let us reflect and put our minds together. Can't we point out measures whereby our peace and harmony may still be preserved? We have

come forward to this place, where we have always had a superintendent and friend to receive us and to make known to him such grievances as lay upon our minds; but now we have none; and we have no guardian—no protector—no one is now authorized to receive us.

Brother, we therefore now call upon you to take our speech in writing and forward our ideas to the President of the United States.

Brothers, let us look back to our former situation. While you were under the government of Great Britain, Sir William Johnson was our superintendent, appointed by the King. He had power to settle offences of this kind among all the Indian nations without adverting to the laws. But under the British government you were uneasy—you wanted to change it for a better. General Washington went forward as your leader. From his exertions you gained your independence. Immediately afterward a treaty was made between the United States and the Six Nations, whereby a method was pointed out of redressing such an accident as the present. Several such accidents did happen where we were the sufferers. We now crave the same privilege in making restitution to you that you adopted toward us in a similar situation.

Brothers, at the close of our treaty at Philadelphia General Washington told us that we had formed a chain of friendship which was bright; he hoped it would continue so on our part; that the United States would be equally willing to brighten it, if rusted by any means. A number of murders have been committed on our people—we shall only mention the last

of them. About two years ago a few of our warriors were amusing themselves in the woods to the westward of Fort Pitt; two white men coolly and deliberately took their rifles, travelled nearly three miles to our encampment, fired upon the Indians, killed two men and wounded two children. We then were the party injured. What did we do? We flew to the treaty and thereby obtained redress perfectly satisfactory to us, and we hope agreeable to you. This was done a short time before President Adams went out of office; complete peace and harmony was restored. We now want the same method of redress to be pursued.

Brothers, how did the present accident take place? Did our warriors go from home cool and sober and commit murder on you? No. Our brother was in liquor and a quarrel ensued, in which the unhappy accident happened. We would not excuse him on account of his being in liquor; but such a thing was far from his intentions in his sober moments. We are all extremely grieved at it, and are willing to come forward and have it settled as crimes of the same nature have heretofore been.

Brothers, since this accident has taken place we have been informed that by the laws of this State, if a murder is committed within it, the murderer must be tried by the laws of the State and punished with death.

Brothers, when were such laws explained to us? Did we ever make a treaty with the State of New York and agree to conform to its laws? No. We are independent of the State of New York. It was the will of the Great Spirit to create us different in color;

we have different laws, habits and customs from the white people. We shall never consent that the government of this State shall try our brother. We appeal to the government of the United States.

Brothers, under the customs and habits of our forefathers we were a happy people; we had laws of our own; they were dear to us. The whites came among us and introduced their customs; they introduced liquor among us, which our forefathers always told us would prove our ruin.

Brothers, in consequence of the introduction of liquor among us numbers of our people were killed. A council was held to consider of a remedy, at which it was agreed by us that no private revenge should take place for any such murder—that it was decreed by the Great Spirit and that a council should be called to consider of redress to the friends of the deceased.

Brothers, the President of the United States is called a great man, possessing great power. He may do what he pleases—he may turn men out of office, men who held their offices long before he held his. If he can do these things can he not even control the laws of this State? Can he not appoint a commissioner to come forward to our country and settle the present difference, as we, on our part, have heretofore often done to him, upon a similar occasion?

We now call upon you, brothers, to represent these things to the President, and we trust that he will not refuse our request of sending a commissioner to us with powers to settle the present difference. The consequence of a refusal may be serious. We are determined that our brother shall not be tried by the

laws of the State of New York. Their laws make no difference between a crime committed in liquor and one committed coolly and deliberately. Our laws are different, as we have before stated. If tried here our brother must be hanged. We cannot submit to that; has a murder been committed upon our people, when was it punished with death?

Brothers, we have now finished what we had to say on the subject of the murder. We wish to address you upon another, and to have our ideas communicated to the President upon it also.

Brothers, it was understood at the treaty concluded by Colonel Pickering that our superintendent should reside in the town of Canandaigua, and for very good reasons: that situation is the most central for the Six Nations; and by subsequent treaties with the State of New York and the Indians there are still stronger reasons why he should reside here, principally on account of the annuities being stipulated to be paid to our superintendent at this place. These treaties are sacred. If their superintendent resides elsewhere the State may object to sending their money to him at a greater distance. We would therefore wish our superintendent to reside here at all events.

Brothers, with regard to the appointment of our present superintendent, we look upon ourselves as much neglected and injured. When General Chapin and Captain Chapin were appointed our wishes were consulted upon the occasion and we most cordially agreed to the appointments. Captain Chapin has been turned out, however, within these few days. We do not understand that any neglect of duty has been

alleged against him. We are told it is because he differs from the President in his sentiments on government matters. He has also been perfectly satisfactory to us; and had we known of the intention we should most cordially have united in a petition to the President to continue him in office. We feel ourselves injured; we have nobody to look to, nobody to listen to our complaints, none to reconcile any differences among us. We are like a young family without a father.

Brothers, we understand that the President has appointed a superintendent who is altogether unknown to us and who is unacquainted with Indian affairs. We know him not in our country. Had we been consulted upon the subject we might have named some one residing in this country who was well known to us. Perhaps we might have agreed upon Mr. Oliver Phelps, whose politics, coinciding with those of the President, might have recommended him to the office.

Brothers, we cannot conclude without again urging you to make known all these sentiments to the President.*

* The eloquent pleadings of the Indians were unavailing. They were compelled to surrender the offender to the inexorable law of the white man, though it was done with great reluctance. His name was Stiff-armed-George. He was tried and convicted at the Oyer and Terminer of Ontario county, on the 23d of February, 1803—Brockholst Livingston, one of the justices of the supreme court, presiding; but as the murder was without pre-existing malice, and was moreover attended by various mitigating circumstances, the court, the attorney-general, the grand jury that indicted him, together with many of the people of Canandaigua, united in a petition to the governor, George Clinton, for his pardon.

REPLY TO MR. CRAM.

[In the summer of 1805 a young missionary named Cram was sent into the country of the Six Nations by the Evangelical Missionary Society of Massachusetts to found a mission among the Senecas. A council of their chiefs was convoked to hear his propositions. These were made in a short speech to which the Indians listened with earnest attention. After a long consultation among themselves Red Jacket rose and spoke as follows:]

FRIEND AND BROTHER,—It was the will of the Great Spirit that we should meet together this day. He orders all things and has given us a fine day for our council. He has taken his garment from before the sun and caused it to shine with brightness upon us. Our eyes are opened that we see clearly; our ears are unstopped that we have been able to hear distinctly the words you have spoken. For all these favors we thank the Great Spirit, and him only.

Brother, this council fire was kindled by you. It was at your request that we came together at this time. We have listened with attention to what you have said. You requested us to speak our minds freely. This gives us great joy; for we now consider that we stand upright before you and can speak what we think. All have heard your voice and all speak to you now as one man. Our minds are agreed.

Brother, you say you want an answer to your talk before you leave this place. It is right you should have one, as you are a great distance from home and we do not wish to detain you. But we will first look

back a little and tell you what our fathers have told us and what we have heard from the white people.

Brother, listen to what we say. There was a time when our forefathers owned this great island. Their seats extended from the rising to the setting sun. The Great Spirit had made it for the use of Indians. He had created the buffalo, the deer, and other animals for food. He had made the bear and the beaver. Their skins served us for clothing. He had scattered them over the country and taught us how to take them. He had caused the earth to produce corn for bread. All this he had done for his red children because he loved them. If we had some disputes about our hunting ground they were generally settled without the shedding of much blood. But an evil day came upon us. Your forefathers crossed the great water and landed on this island. Their numbers were small. They found friends and not enemies. They told us they had fled from their own country for fear of wicked men and had come here to enjoy their religion. They asked for a small seat. We took pity on them; granted their request, and they sat down amongst us. We gave them corn and meat; they gave us poison in return.

The white people, brother, had now found our country. Tidings were carried back and more came amongst us. Yet we did not fear them. We took them to be friends. They called us brothers. We believed them and gave them a larger seat. At length their numbers had greatly increased; they wanted more land; they wanted our country. Our eyes were opened and our minds became uneasy.

Wars took place. Indians were hired to fight against Indians, and many of our people were destroyed. They also brought strong liquor amongst us. It was strong and powerful and has slain thousands.

Brother, our seats were once large and yours were small. You have now become a great people, and we have scarcely a place left to spread our blankets. You have got our country but are not satisfied; you want to force your religion upon us.

Brother, continue to listen. You say that you are sent to instruct us how to worship the Great Spirit agreeably to his mind; and, if we do not take hold of the religion which you white people teach we shall be unhappy hereafter. You say that you are right and we are lost. How do we know this to be true? We understand that your religion is written in a book. If it was intended for us, as well as you, why has not the Great Spirit given to us, and not only to us, but why did he not give to our forefathers the knowledge of that book, with the means of understanding it rightly? We only know what you tell us about it. How shall we know when to believe, being so often deceived by the white people?

Brother, you say there is but one way to worship and serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why not all agreed, as you can all read the book?

Brother, we do not understand these things. We are told that your religion was given to your forefathers and has been handed down from father to son. We also have a religion, which was given to

our forefathers, and has been handed down to us, their children. We worship in that way. It teaches us to be thankful for all the favors we receive; to love each other and to be united. We never quarrel about religion.

Brother, the Great Spirit has made us all, but he has made a great difference between his white and red children. He has given us different complexions and different customs. To you he has given the arts. To these he has not opened our eyes. We know these things to be true. Since he has made so great a difference between us in other things, why may we not conclude that he has given us a different religion according to our understanding? The Great Spirit does right. He knows what is best for his children; we are satisfied.

Brother, we do not wish to destroy your religion or take it from you. We only want to enjoy our own.

Brother, you say you have not come to get our land or our money, but to enlighten our minds. I will now tell you that I have been at your meetings and saw you collect money from the meeting. I cannot tell what this money was intended for, but suppose that it was for your minister, and, if we should conform to your way of thinking, perhaps you may want some from us.

Brother we are told that you have been preaching to the white people in this place. These people are our neighbors. We are acquainted with them. We will wait a little while and see what effect your preaching has upon them. If we find it does them

good, makes them honest, and less disposed to cheat Indians, we will then consider again of what you have said.

Brother, you have now heard our answer to your talk, and this is all we have to say at present. As we are going to part, we will come and take you by the hand, and hope the Great Spirit will protect you on your journey and return you safe to your friends.

Morris, Gouverneur, a famous American statesman, orator and patriot, born at Morrisania, N. Y., Jan. 31, 1752; died there, Nov. 6, 1816. He held positions of prominence both during and after the American Revolution, being a member of the Continental Congress, 1777-80, and of the Constitutional Convention, minister to France, 1792-94, and United States Senator from New York, 1800-03. He was an able actor in public affairs, a clear thinker, and a fluent orator whose readiness in debate excited the ire of his opponents. Morris's speech on the Judiciary will be found to convey a fair impression of his style.

SPEECH ON THE JUDICIARY.

[Delivered in the Senate of the United States, on January 14, 1802, on the motion, "Resolved that the act of Congress passed on the thirteenth day of February, 1801, entitled, 'An act to provide for the more convenient organization of the courts of the United States,' ought to be repealed."]

MR. PRESIDENT,—I had fostered the hope that some gentleman who thinks with me would have taken upon himself the task of replying to the observations made yesterday and this morning in favor of the motion on your table. But since no gentleman has gone so fully into the subject as it seems to require I am compelled to request your attention.

We were told yesterday by the honorable member from Virginia that our objections were calculated for the bystanders, and made with a view to produce effect upon the people at large. I know not for whom the charge is intended. I certainly recollect no such observations. As I was personally charged with making a play upon words, it may have been intended for me.

But surely, sir, it will be recollected that I declined that paltry game, and declared that I considered the verbal criticism which had been relied on as irrelevant. If I can recollect what I said from recollecting well what I thought and meant to say, sure I am that I uttered nothing in the style of an appeal to the people. I hope no member of this House has so poor a sense of its dignity as to make such an appeal.

As to myself, it is now near thirty years since I was called into public office. During that period I have frequently been the servant of the people, always their friend; but at no one moment of my life their flatterer, and God forbid that I ever should be.

When the honorable gentleman considers the course we have taken he must see that the observation he has thus pointed can light on no object. I trust that it did not flow from the consciousness of his own intentions. He, I hope, had no view of this sort. If he had, he was much, very much mistaken. Had he looked around upon those who honor us by their attendance he would have seen that the splendid flashes of his wit excited no approbatory smile.

The countenances of those by whom we were surrounded presented a different spectacle. They were impressed with the dignity of this House; they perceived in it the dignity of the American people and felt, with high and manly sentiment, their own participation.

We have been told, sir, by the honorable gentleman from Virginia, that there is no independent part of this government; that in popular governments the

force of every department, as well as the government itself, must depend upon popular opinion.

The honorable member from North Carolina has informed us that there is no check for the overbearing powers of the legislature but public opinion; and he has been pleased to notice a sentiment I had uttered—a sentiment which not only fell from my lips but which flowed from my heart. It has, however, been misunderstood and misapplied. After reminding the House of the dangers to which popular governments are exposed from the influence of designing demagogues upon popular passion, I took the liberty to say that we—we the Senate of the United States—are assembled here to save the people from their most dangerous enemy, to save them from themselves; to guard them against the baneful effects of their own precipitation, their passion, their misguided zeal. It is for these purposes that all our constitutional checks are devised.

If this be not the language of the constitution, the constitution is all nonsense. For why are the Senators chosen by communities and the representatives directly by the people? Why are the one chosen for a longer term than the other? Why give one branch of the legislature a negative upon the acts of the other? Why give the President a right to arrest the proceedings of both till two-thirds of each should concur? Why all these multiplied precautions unless to check and control that impetuous spirit, that headlong torrent of opinion which has swept away every popular government that ever existed?

With the most respectful attention I heard the de-

claration of the gentleman from Virginia of his own sentiment. "Whatever," said he, "may be the opinion of the constitution, I hold myself bound to respect it." He disdained, sir, to profess an attachment he did not feel, and I accept his candor as a pledge for the performance of his duty. But he will admit this necessary inference from that frank confession that, although he will struggle against his inclination and support the constitution even to the last moment yet when in spite of all his efforts it shall fall, he will rejoice in its destruction.

Far different are my feelings.

It is possible that we are both prejudiced, and that in taking the ground on which we respectively stand our judgments are influenced by the sentiments which glow in our hearts. I, sir, wish to support this constitution because I love it; and I love it because I consider it the bond of our Union; because in my soul I believe that on it depends our harmony and our peace; that without it we should soon be plunged in all the horrors of civil war; that this country would be deluged with the blood of its inhabitants and a brother's hand raised against the bosom of a brother.

After these preliminary remarks I hope I shall be indulged while I consider the subject in reference to the two points which have been taken, the expediency and the constitutionality of the repeal.

In considering the expediency I hope I shall be pardoned for asking your attention to some parts of the constitution which have not yet been dwelt upon and which tend to elucidate this part of our inquiry. I agree fully with the gentleman that every section,

every sentence, and every word of the constitution ought to be deliberately weighed and examined; nay, I am content to go along with him and give its due value and importance to every stop and comma.

In the beginning we find a declaration of the motives which induced the American people to bind themselves by this compact. And in the foreground of that declaration we find these objects specified: "to form a more perfect Union, to establish justice, and to ensure domestic tranquillity." But how are these objects effected? The people intended to establish justice. What provision have they made to fulfil that intention? After pointing out the courts which should be established, the second section of the third article informs us,—

—"the judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens, or subjects.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have orig-

inal jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Thus, then, we find that the judicial power shall extend to a great variety of cases, but that the Supreme Court shall have only appellate jurisdiction in all admiralty and marine causes, in all controversies between the United States and private citizens, between citizens of different States, between citizens of the same State claiming lands under different States, and between a citizen of the United States and foreign States, citizens, or subjects.

The honorable gentleman from Kentucky who made the motion on your table has told us that the constitution, in its judiciary provisions, contemplated only those cases which could not be tried in the State courts. But he will, I hope, pardon me when I contend that the constitution did not merely contemplate, but did by express words reserve to the national tribunals a right to decide and did secure to the citizens of America a right to demand their decision in many cases evidently cognizable in the State courts. And what are these cases? They are those in respect to which it is by the constitution presumed that the State courts would not always make a cool and calm investigation, a fair and just decision.

To form, therefore, a more perfect union and to ensure domestic tranquillity, the constitution has said there shall be courts of the Union to try causes by the

wrongful decision of which the Union might be endangered or domestic tranquillity be disturbed. And what courts? Look again at the cases designated. The Supreme Court has no original jurisdiction. The constitution has said that the judicial powers shall be vested in the Supreme and inferior courts. It has declared that the judicial power so vested shall extend to the cases mentioned, and that the Supreme Court shall not have original jurisdiction in those cases.

Evidently, therefore, it has declared that they shall, in the first instance, be tried by inferior courts, with appeal to the Supreme Court. This therefore amounts to a declaration that the inferior courts shall exist; since without them the citizen is deprived of those rights for which he stipulated, or rather, those rights verbally granted would be actually withheld; and that great security of our Union, that necessary guard of our tranquillity, be completely paralyzed if not destroyed.

In declaring, then, that these tribunals shall exist, it equally declares that the Congress shall ordain and establish them. I say they shall; this is the evident intention if not the express words of the constitution. The convention in framing, the American people in adopting that compact, did not, could not, presume that the Congress would omit to do what they were thus bound to do. They could not presume that the legislature would hesitate one moment in establishing the organs necessary to carry into effect those wholesome, those important provisions.

The honorable member from Virginia has given us a history of the judicial system, and in the course of

it has told us that the judges of the Supreme Court knew, when they accepted their offices, the duties they had to perform and the salaries they were to receive. He thence infers that if again called on to do the same duties they have no right to complain.

Agreed—but that is not the question between us. Admitting that they have made a hard bargain and that we may hold them to a strict performance, is it wise to exact their compliance to the injury of our constituents? We are urged to go back to the old system; but let us first examine the effect of that system. The judges of the Supreme Court rode the circuits, and two of them, with the assistance of a district judge, held circuit courts and tried causes. As a Supreme Court they have in most cases only an appellate jurisdiction. In the first instance, therefore, they tried a cause sitting as an inferior court, and then on appeal tried it over again as a supreme court. Thus, then, the appeal was from the sentence of the judges to the judges themselves. But say, that to avoid this impropriety, you will incapacitate the two judges who sat on the circuit from sitting in the Supreme Court to review their own decrees. Strike them off; and suppose either the same or a contrary decision to have been made on another circuit by two of their brethren in a similar case, for the same reason you strike them off and then you have no court left. Is this wise? Is it safe? You place yourselves in the situation where your citizens must be deprived of the advantage given to them of a court of appeals, or else run the greatest risk that the decision of the first court will carry with it that of the other.

The same honorable member has given us a history of the law passed the last session, which he wishes now to repeal. That history is accurate at least in one important part of it. I believe that all amendments were rejected, pertinaciously rejected; and I acknowledge that I joined heartily in that rejection. It was for the clearest reason on earth. We all perfectly understood that to amend the bill was to destroy it; that if ever it got back to the other House it would perish. Those, therefore, who approved of the general provisions of that bill were determined to adopt it. We sought the practicable good, and would not, in pursuit of unattainable perfection, sacrifice that good to the pride of opinion. We took the bill, therefore, with its imperfections, convinced that when it was once passed into a law it might be easily amended.

We are now told that this procedure was improper; nay, that it was indecent; that public opinion had declared itself against us; that a majority, holding different opinions, was already chosen to the other House, and that a similar majority was expected for that in which we sit. Mr. President, are we then to understand that opposition to the majority in the two Houses of Congress is improper, is indecent?

If so, what are we to think of those gentlemen who, not only with proper and decent but with laudable motives, for such is their claim, so long, so perseveringly, so pertinaciously opposed that voice of the people which had so repeatedly and for so many years declared itself against them through the organ of their representatives? Was this indecent in them? If not, how could it be improper for us to seize the only mo-

ment which was left for the then majority to do what they deemed a necessary act? Let me again refer to those imperious demands of the constitution which called on us to establish inferior courts. Let me remind gentlemen of their assertion on this floor that centuries might elapse before any judicial system could be established with general consent. And then let me ask, being thus impressed with the sense of the duty and the difficulty of performing that arduous task, was it not wise to seize the auspicious moment?

Among the many stigmas affixed to this law we have been told that the President, in selecting men to fill the offices which it created, made vacancies and filled them from the floor of this House; and that but for the influence of this circumstance a majority in favor of it could not have been found. Let us examine this suggestion. It is grounded on a supposition of corrupt influence, derived from a hope founded on two remote and successive contingencies.

First, the vacancy might or might not exist; for it depended as well on the acceptance of another as on the President's grant; and, secondly, the President might or might not fill it with a member of this House.

Yet on this vague conjecture, on this unstable ground, it is inferred that men in high confidence violated their duty. It is hard to determine the influence of self-interest on the heart of man. I shall not, therefore, make the attempt. In the present case it is possible that the imputation may be just, but I hope not, I believe not. At any rate gentlemen will agree with

me that the calculation is uncertain and the conjecture vague.

But let it now for argument's sake be admitted, saving always the reputation of honorable men who are not here to defend themselves—let it, I say, for argument's sake be admitted that the gentlemen alluded to acted under the influence of improper motives. What then? Is a law that has received the varied assent required by the constitution and is clothed with all the needful formalities thereby invalidated? Can you impair its force by impeaching the motives of any member who voted for it?

Does it follow that a law is bad because all those who concurred in it cannot give good reasons for their votes? Is it not before us? Must we not judge of it by its intrinsic merit? Is it a fair argument, addressed to our understanding, to say we must repeal a law, even a good one, if the enacting of it may have been effected in any degree by improper motives? Or is the judgment of this House so feeble that it may not be trusted?

Gentlemen tell us, however, that the law is materially defective, nay, that it is unconstitutional. What follows? Gentlemen bid us repeal it. But is this just reasoning? If the law be only defective, why not amend? And if unconstitutional, why repeal? In this case no repeal can be necessary; the law is in itself void; it is a mere dead letter. . . .

We are told that we may violate our constitution because similar constitutions have been violated elsewhere. Two States have been cited to that effect, Maryland and Virginia. The honorable gentleman

from Virginia tells us that when this happened in the State he belongs to no complaint was made by the judges. I will not inquire into that fact, although I have the protest of the judges now lying before me: judges eminent for their talents, renowned for their learning, respectable for their virtue. I will not inquire what constitutions have been violated. I will not ask either when or where this dangerous practice began or has been followed; I will admit the fact. What does it prove? Does it prove that because they have violated we also may violate? Does it not prove directly the contrary? Is it not the strongest reason on earth for preserving the independence of our tribunals? If it be true that they have with strong hand seized their courts and bent them to their will, ought we not to give suitors a fair chance for justice in our courts, or must the suffering citizen be deprived of all protection?

The gentleman from Virginia has called our attention to certain cases which he considers as forming necessary exceptions to the principles for which we contend. Permit me to say that necessity is a hard law and frequently proves too much, and let the gentleman recollect that arguments which prove too much prove nothing. He has instanced a case where it may be proper to appoint commissioners, for a limited time, to settle some particular description of controversies. Undoubtedly it is always in the power of Congress to form a board of commissioners for particular purposes. He asks, are these inferior courts, and must they also exist forever? I answer that the nature of their offices must depend on the law by which they

are created; if called to exercise the judicial functions designated by the constitution they must have an existence conformable to its injunctions.

Again, he has instanced the Mississippi Territory, claimed by and which may be surrendered to the State of Georgia, and a part of the Union which may be conquered by a foreign enemy. And he asks, triumphantly, are our inferior courts to remain after our jurisdiction is gone? This case rests upon a principle so simple that I am surprised the honorable member did not perceive the answer in the very moment when he made the objection. Is it by our act that a country is taken from us by a foreign enemy? Is it by our consent that our jurisdiction is lost? I had the honor, in speaking the other day, expressly and for the most obvious reasons to except the case of conquest. As well might we contend for the government of a town swallowed up by an earthquake.

[Mr. Mason explained: he had supposed the case of territory conquered, and afterwards ceded to the conqueror, or some other territory ceded in lieu of it.]

The case is precisely the same; until after the peace the conquest is not complete. Everybody knows that until the cession by treaty the original owner has the postliminar right to a territory taken from him. Beyond all question, where Congress is compelled to cede the territory, the judges can no longer exist unless the new sovereign confer the office. Over such territory the constitution ceases and of course the rights which it confers.

It is said the judicial institution is intended for the benefit of the people and not of the judge; and it is complained of that in speaking of the office we say it is his office. Undoubtedly the institution is for the benefit of the people. But the question remains, how will it be rendered most beneficial? Is it by making the judge independent,—by making it his office; or is it by placing him in a state of abject dependence, so that the office shall be his to-day and belong to another to-morrow? Let the gentleman hear the words of the constitution: it speaks of their offices; consequently, as applied to a single judge, of his office, to be exercised by him for the benefit of the people of America, to which exercise his independence is as necessary as his office.

The gentleman from Virginia has on this occasion likened the judge to a bridge and to various other objects; but I hope for his pardon if, while I admire the lofty flights of his eloquence, I abstain from noticing observations which I conceive to be utterly irrelevant.

The same honorable member has not only given us his history of the Supreme Court, but has told us of the manner in which they do business, and expressed his fears that, having little else to do, they would do mischief. We are not competent, sir, to examine, nor ought we to prejudge their conduct. I am persuaded they will do their duty, and presume they will have the decency to believe that we do our duty. In so far as they may be busied with the great mischief of checking the legislative or executive departments in any wanton invasion of our rights I shall rejoice in that mischief. I hope, indeed, they will not be so

busied, because I hope we shall give them no cause. But I also hope they will keep an eagle eye upon us lest we should. It was partly for this purpose they were established, and I trust that when properly called on they will dare to act. I know this doctrine is unpleasant; I know it is more popular to appeal to public opinion: that equivocal transient being which exists nowhere and everywhere. But if ever the occasion calls for it I trust that the Supreme Court will not neglect doing the great mischief of saving this constitution, which can be done much better by their deliberations than by resorting to what are called revolutionary measures.

The honorable member from North Carolina, sore pressed by the delicate situation in which he is placed, thinks he has discovered a new argument in favor of the vote which he is instructed to give. As far as I can enter into his ideas and trace their progress he seems to have assumed the position which was to be proved, and then searched through the constitution, not to discover whether the legislature have the right contended for, but whether, admitting them to possess it, there may not be something which might not comport with that idea. I shall state the honorable member's argument as I understand it, and, if mistaken, pray to be corrected. He read to us that clause which relates to impeachment, and comparing it with that which fixes the tenure of judicial office, observed that this clause must relate solely to a removal by the executive power, whose right to remove, though not indeed anywhere mentioned in the constitution,

has been admitted in a practice founded on legislative construction.

That, as the tenure of the office is during good behavior, and, as the clause respecting impeachment does not specify misbehavior, there is evidently a cause of removal which cannot be reached by impeachment, and of course, the executive not being permitted to remove, the right must necessarily devolve on the legisture. Is this the honorable member's argument? If it be, the reply is very simple. Misbehavior is not a term known in our law; the idea is expressed by the word "misdemeanor;" which word is in the clause quoted respecting impeachments. Taking, therefore, the two together, and speaking plain old English, the constitution says:

"The judges shall hold their offices so long as they shall demean themselves well; but if they shall misdemean, if they shall, on impeachment, be convicted of misdemeanor, they shall be removed."

Thus, sir, the honorable member will find that the one clause is just as broad as the other. He will see, therefore, that the legislature can assume no right from the deficiency of either, and will find that this clause, which he relied on, goes, if rightly understood, to the confirmation of our doctrine.

Is there a member of this House who can lay his hand on his heart and say that consistently with the plain words of our constitution we have a right to repeal this law? I believe not. And if we undertake to construe this constitution to our purposes and say

that public opinion is to be our judge, there is an end to all constitutions. To what will not this dangerous doctrine lead? Should it to-day be the popular wish to destroy the first magistrate, you can destroy him; and should he to-morrow be able to conciliate to himself the will of the people and lead them to wish for your destruction, it is easily effected. Adopt this principle, and the whim of the moment will not only be the law but the constitution of our country.

The gentleman from Virginia has mentioned a great nation brought to the feet of one of her servants. But why is she in that situation? Is it not because popular opinion was called on to decide everything until those who wore bayonets decided for all the rest? Our situation is peculiar. At present our national compact can prevent a State from acting hostilely towards the general interest. But let this compact be destroyed, and each State becomes instantaneously vested with absolute sovereignty. Is there no instance of a similar situation to be found in history? Look at the States of Greece. They were once in a condition not unlike to that in which we should then stand. They treated the recommendations of their Amphictyonic council, which was more a meeting of ambassadors than a legislative assembly, as we did the resolutions of the old Congress. Are we wise? So were they. Are we valiant? They also were brave. Have we one common language and are we united under one head? In this also there was a strong resemblance. But by their divisions they become at first victims to the ambition of Philip, and were at length swallowed up in the Roman Empire. Are we to form

an exception to the general principles of human nature and to all the examples of history? And are the maxims of experience to become false when applied to our fate?

Some, indeed, flatter themselves that our destiny will be like that of Rome. Such indeed it might be, if we had the same wise, but vile aristocracy under whose guidance they became the masters of the world. But we have not that strong aristocratic arm which can seize a wretched citizen, scourged almost to death by a remorseless creditor, turn him into the ranks, and bid him, as a soldier, bear our eagle in triumph round the globe! I hope to God we shall never have such an abominable institution. But what, I ask, will be the situation of these States, organized as they now are, if by the dissolution of our national compact they be left to themselves? What is the probable result? We shall either be the victims of foreign intrigue and split into factions, fall under the domination of a foreign power, or else, after the misery and torment of civil war, become the subjects of a usurping military despot. What but this compact, what but this specific part of it, can save us from ruin?

The judicial power, that fortress of the constitution, is now to be overturned. Yes, with honest Ajax, I would not only throw a shield before it, I would build around it a wall of brass. But I am too weak to defend the rampart against the host of assailants. I must call to my assistance their good sense, their patriotism and their virtue. Do not, gentlemen, suffer the rage of passion to drive reason from her seat. If this law be indeed bad, let us join to remedy the defects.

Has it been passed in a manner which wounded your pride or roused your resentment? Have, I conjure you, the magnanimity to pardon that offence. I entreat, I implore you, to sacrifice those angry passions to the interests of our country. Pour out this pride of opinion on the altar of patriotism. Let it be an expiatory libation for the weal of America. Do not, for God's sake, do not suffer that pride to plunge us all into the abyss of ruin.

Indeed, indeed, it will be but of little, very little avail, whether one opinion or the other be right or wrong; it will heal no wounds, it will pay no debts, it will rebuild no ravaged towns. Do not rely on that popular will which has brought us frail beings into political existence. That opinion is but a changeable thing. It will soon change. This very measure will change it. You will be deceived. Do not, I beseech you, in reliance on a foundation so frail, commit the dignity, the harmony, the existence of our nation to the wild wind. Trust not your treasure to the waves. Throw not your compass and your charts into the ocean. Do not believe that its billows will waft you into port. Indeed, indeed, you will be deceived. Cast not away this only anchor of our safety. I have seen its progress. I know the difficulties through which it was obtained: I stand in the presence of Almighty God and of the world; and I declare to you that if you lose this charter, never! no, never will you get another! We are now perhaps arrived at the parting point. Here, even here, we stand on the brink of fate. Pause—pause—for heaven's sake, pause!!

Marshall, John, a distinguished American jurist, born at Germantown, Fauquier County, Va., Sept. 24, 1755 ; died at Philadelphia, July 6, 1835. He served in the American struggle for Independence, was envoy to France, 1797-98; member of Congress from Virginia, 1799-1800, Secretary of State, 1800-01, and Chief Justice of the United States, 1801-35. With his coadjutors Marshall laid the foundations of American national jurisprudence and developed the great body of American constitutional law. His mind was strongly judicial in its cast and accuracy, and sound reasoning characterized his writings and speeches. His speech upon the Federal Constitution exemplifies his style. The centennial of his appointment to the chief-justiceship was observed in Washington in February, 1901.

SPEECH ON THE FEDERAL CONSTITUTION.

DELIVERED JUNE 10, 1788.

MR. CHAIRMAN,—I conceive that the object of the discussion now before us is whether democracy or despotism be most eligible. I am sure that those who framed the system submitted to our investigation, and those who now support it, intend the establishment and security of the former. The supporters of the constitution claim the title of being firm friends of the liberty and the rights of mankind. They say that they consider it as the best means of protecting liberty. We, sir, idolize democracy. Those who oppose it have bestowed eulogiums on monarchy. We prefer this system to any monarchy because we are convinced that it has a greater tendency to secure our

liberty and promote our happiness. We admire it because we think it a well-regulated democracy: it is recommended to the good people of this country: they are, through us, to declare whether it be such a plan of government as will establish and secure their freedom.

Permit me to attend to what the honorable gentleman, Mr. Henry, has said. He has expatiated on the necessity of a due attention to certain maxims, to certain fundamental principles, from which a free people ought never to depart. I concur with him in the propriety of the observance of such maxims. They are necessary in any government, but more essential to a democracy than to any other.

What are the favorite maxims of democracy?

A strict observance of justice and public faith and a steady adherence to virtue. These, sir, are the principles of a good government. No mischief, no misfortune, ought to deter us from a strict observance of justice and public faith. Would to heaven that these principles had been observed under the present government! Had this been the case the friends of liberty would not be so willing now to part with it. Can we boast that our government is founded on these maxims? Can we pretend to the enjoyment of political freedom or security when we are told that a man has been, by an act of Assembly, struck out of existence without a trial by jury, without examination, without being confronted with his accusers and witnesses, without the benefits of the law of the land? Where is our safety when we are told that this act was justifiable because the person was not a Socrates?

What has become of the worthy member's maxims? Is this one of them? Shall it be a maxim that a man shall be deprived of his life without the benefit of law? Shall such a deprivation of life be justified by answering, that the man's life was not taken *secundum artem,* because he was a bad man? Shall it be a maxim that government ought not to be empowered to protect virtue?

The honorable member, after attempting to vindicate that tyrannical legislative act to which I have been alluding, proceeded to take a view of the dangers to which this country is exposed. He told us that the principal danger arose from a government which, if adopted, would give away the Mississippi.

I intended to proceed regularly, by attending to the clause under debate; but I must reply to some observations which were dwelt upon to make impressions on our minds unfavorable to the plan upon the table. Have we no navigation in, or do we derive no benefit from, the Mississippi? How shall we retain it? By retaining that weak government which has hitherto kept it from us? Is it thus that we shall secure that navigation? Give the government the power of retaining it and then we may hope to derive actual advantages from it. Till we do this we cannot expect that a government which hitherto has not been able to protect it will have the power to do it hereafter. Have we attended too long to consider whether this government would be able to protect us? Shall we wait for further proofs of its inefficacy? If on mature consideration the constitution will be found to be perfectly right on the subject of treaties, and contain-

ing no danger of losing that navigation, will he still object? Will he object because eight States are unwilling to part with it? This is no good ground of objection.

He then stated the necessity and probability of obtaining amendments. This we ought to postpone until we come to that clause, and make up our minds whether there be anything unsafe in this system. He conceived it impossible to obtain amendments after adopting it. If he was right, does not his own argument prove that in his own conception previous amendments cannot be had? for, sir, if subsequent amendments cannot be obtained, shall we get amendments before we ratify? The reasons against the latter do not apply against the former.

There are in this State, and in every State in the Union, many who are decided enemies of the Union. Reflect on the probable conduct of such men. What will they do? They will bring amendments which are local in their nature and which they know will not be accepted. What security have we that other States will not do the same. We are told that many in the States were violently opposed to it. They are more mindful of local interests. They will never propose such amendments as they think would be obtained.

Disunion will be their object. This will be attained by the proposal of unreasonable amendments. This, sir, though a strong cause, is not the only one that will militate against previous amendments. Look at the comparative temper of this country now, and when the late Federal Convention met. We had no idea then of

any particular system. The formation of the most perfect plan was our object and wish. It was imagined that the States would accede to, and be pleased with, the proposition that would be made them. Consider the violence of opinions, the prejudices and animosities which have been since imbibed.

Will not these operate greatly against mutual concessions or a friendly concurrence? This will, however, be taken up more properly another time. He says we wish to have a strong, energetic, powerful government. We contend for a well-regulated democracy. He insinuates that the power of the government has been enlarged by the convention, and that we may apprehend it will be enlarged by others. The convention did not in fact assume any power.

They have proposed to our consideration a scheme of government which they thought advisable. We are not bound to adopt it if we disapprove of it. Had not every individual in this community a right to tender that scheme which he thought most conducive to the welfare of his country? Have not several gentlemen already demonstrated that the convention did not exceed their powers? But the Congress have the power of making bad laws, it seems. The Senate, with the President, he informs us, may make a treaty which shall be disadvantageous to us; and that, if they be not good men, it will not be a good constitution. I shall ask the worthy member only if the people at large, and they alone, ought to make laws and treaties. Has any man this in contemplation?

You cannot exercise the powers of government personally yourselves. You must trust to agents. If so,

will you dispute giving them the power of acting for you, from an existing possibility that they may abuse it? As long as it is impossible for you to transact your business in person, if you repose no confidence in delegates because there is a possibility of their abusing it, you can have no government; for the power of doing good is inseparable from that of doing some evil.

We may derive from Holland lessons very beneficial to ourselves. Happy that country which can avail itself of the misfortunes of others, which can gain knowledge from that source without fatal experience! What has produced the late disturbances in that country? The want of such a government as is on your table, and having in some measure such a one as you are about to part with. The want of proper powers in the government, the consequent deranged and relaxed administration, the violence of contending parties, and inviting foreign powers to interpose in their disputes, have subjected them to all the mischiefs which have interrupted their harmony.

I cannot express my astonishment at his high-colored eulogium on such a government. Can anything be more dissimilar than the relation between the British government and the colonies, and the relation between Congress and the States? We were not represented in Parliament. Here we are represented. Arguments which prove the impropriety of being taxed by Britain do not hold against the exercise of taxation by Congress.

Let me pay attention to the observation of the gentleman who was last up, that the power of taxa-

tion ought not to be given to Congress. This subject requires the undivided attention of this House. This power I think essentially necessary; for without it there will be no efficiency in the government. We have had a sufficient demonstration of the vanity of depending on requisitions. How, then, can the general government exist without this power? The possibility of its being abused is urged as an argument against its expediency. To very little purpose did Virginia discover the defects in the old system; to little purpose indeed did she propose improvements; and to no purpose is this plan constructed for the promotion of our happiness if we refuse it now because it is possible that it may be abused?

The confederation has nominal powers but no means to carry them into effect. If a system of government were devised by more than human intelligence it would not be effectual if the means were not adequate to the power. All delegated powers are liable to be abused. Arguments drawn from this source go in direct opposition to the government and in recommendation of anarchy.

The friends of the constitution are as tenacious of liberty as its enemies. They wish to give no power that will endanger it. They wish to give the government powers to secure and protect it. Our inquiry here must be whether the power of taxation be necessary to perform the objects of the constitution and whether it be safe and as well guarded as human wisdom can do it. What are the objects of the national government? To protect the United States and to promote the general welfare. Protection in time of

war is one of its principal objects. Until mankind shall cease to have ambition and avarice, wars will arise.

The prosperity and happiness of the people depend on the performance of these great and important duties of the general government. Can these duties be performed by one State? Can one State protect us and promote our happiness? The honorable gentleman who has gone before me, Governor Randolph, has shown that Virginia cannot do these things. How, then, can they be done? By the national government only. Shall we refuse to give it power to do them?

We are answered that the powers may be abused; that, though the Congress may promote our happiness, yet they may prostitute their powers to destroy our liberties. This goes to the destruction of all confidence in agents. Would you believe that men who had merited your highest confidence would deceive you? Would you trust them again after one deception? Why then hesitate to trust the general government? The object of our inquiry is, Is the power necessary and is it guarded? There must be men and money to protect us. How are armies to be raised? Must we not have money for that purpose?

But the honorable gentleman says that we need not be afraid of war. Look at history, which has been so often quoted. Look at the great volume of human nature. They will foretell you that a defenceless country cannot be secure. The nature of man forbids us to conclude that we are in no danger from war. The passions of men stimulate them to avail themselves of the weakness of others. The powers of

Europe are jealous of us. It is our interest to watch their conduct and guard against them. They must be pleased with our disunion. If we invite them by our weakness to attack us will they not do it? If we add debility to our present situation a partition of America may take place.

It is, then, necessary to give the government that power, in time of peace, which the necessity of war will render indispensable, or else we shall be attacked unprepared. The experience of the world, a knowledge of human nature, and our own particular experience, will confirm this truth. When danger shall come upon us, may we not do what we were on the point of doing once already—that is, appoint a dictator? Were those who are now friends to this constitution less active in the defence of liberty on that trying occasion than those who oppose it? When foreign dangers come, may not the fear of immediate destruction by foreign enemies impel us to take a most dangerous step? Where, then, will be our safety?

We may now regulate and frame a plan that will enable us to repel attacks and render a recurrence to dangerous expedients unnecessary. If we be prepared to defend ourselves there will be little inducement to attack us. But if we defer giving the necessary power to the general government till the moment of danger arrives we shall give it then, and with an unsparing hand. America, like other nations, may be exposed to war. The propriety of giving this power will be proved by the history of the world, and particularly of modern republics. I defy you to produce a single instance where requisitions on several individual

States composing a confederacy have been honestly complied with. Did gentlemen expect to see such punctuality complied with in America? If they did, our own experience shows the contrary.

We are told that the confederation carried us through the war. Had not the enthusiasm of liberty inspired us with unanimity that system would never have carried us through it. It would have been much sooner terminated had that government been possessed of due energy. The inability of Congress and the failure of States to comply with the constitutional requisitions rendered our resistance less efficient than it might have been. The weakness of that government caused troops to be against us which ought to have been on our side, and prevented all resources of the community from being called at once into action.

The extreme readiness of the people to make their utmost exertions to ward off solely the pressing danger supplied the place of requisitions. When they came solely to be depended on their inutility was fully discovered. A bare sense of duty, or a regard to propriety, is too feeble to induce men to comply with obligations. We deceive ourselves if we expect any efficacy from these. If requisitions will not avail, the government must have the sinews of war some other way. Requisitions cannot be effectual. They will be productive of delay and will ultimately be inefficient. By direct taxations the necessities of the government will be supplied in a peaceable manner without irritating the minds of the people.

But requisitions cannot be rendered efficient without a civil war, without great expense of money, and

the blood of our citizens. Are there any other means? Yes, that Congress shall apportion the respective quotas previously, and, if not complied with by the States, that then this dreaded power shall apportion the respective quotas previously, and, if not by the gentleman who opened the debate. He cannot be answered. This great objection to that system remains unanswered. Is there no other argument which ought to have weight with us on this subject? Delay is a strong and pointed objection to it.

We are told by the gentleman who spoke last that direct taxation is unnecessary because we are not involved in war. This admits the propriety of recurring to direct taxation if we were engaged in war. It has not been proved that we have no dangers to apprehend on this point. What will be the consequence of the system proposed by the worthy gentleman? Suppose the States should refuse?

The worthy gentleman who is so pointedly opposed to the constitution proposes remonstrances. Is it a time for Congress to remonstrate or compel a compliance with requisitions when the whole wisdom of the Union and the power of Congress are opposed to a foreign enemy? Another alternative is, that, if the States shall appropriate certain funds for the use of Congress, Congress shall not lay direct taxes.

Suppose the funds appropriated by the States for the use of Congress should be inadequate; it will not be determined whether they be insufficient till after the time at which the quota ought to have been paid; and then, after so long a delay, the means of procuring money, which ought to have been employed in the

first instance, must be recurred to. May they not be amused by such ineffectual and temporizing alternatives from year to year, until America shall be enslaved?

The failure in one State will authorize a failure in another. The calculation in some States that others will fail will produce general failures. This will also be attended with all the expenses which we are anxious to avoid. What are the advantages to induce us to embrace this system? If they mean that requisitions should be complied with it will be the same as if Congress had the power of direct taxation. The same amount will be paid by the people.

It is objected that Congress will not know how to lay taxes so as to be easy and convenient for the people at large. Let us pay strict attention to this objection. If it appears to be totally without foundation the necessity of levying direct taxes will obviate what the gentleman says; nor will there be any color for refusing to grant the power.

The objects of direct taxes are well understood: they are but few; what are they? Lands, slaves, stock of all kinds, and a few other articles of domestic property. Can you believe that ten men, selected from all parts of the State, chosen because they know the situation of the people, will be unable to determine so as to make the tax equal on, and convenient for, the people at large? Does any man believe that they would lay the tax without the aid of other information besides their own knowledge, when they know that the very object for which they are elected is to lay the taxes in a judicious and convenient manner? If they

wish to retain the affections of the people at large will they not inform themselves of every circumstance that can throw light on the subject? Have they but one source of information? Besides their own experience, their knowledge of what will suit their constituents, they will have the benefit of the knowledge and experience of the State legislature. They will see in what manner the legislature of Virginia collects its taxes. Will they be unable to follow their example.

The gentlemen who shall be delegated to Congress will have every source of information that the legislatures of the States can have, and can lay the taxes as equally on the people and with as little oppression as they can.

If, then, it be admitted that they can understand how to lay them equally and conveniently, are we to admit that they will not do it, but that in violation of every principle that ought to govern men they will lay them so as to oppress us? What benefit will they have by it? Will it be promotive of their re-election? Will it be by wantonly imposing hardships and difficulties on the people at large that they will promote their own interest and secure their re-election? To me it appears incontrovertible that they will settle them in such a manner as to be easy for the people. Is the system so organized as to make taxation dangerous?

I shall not go to the various checks of the government, but examine whether the immediate representation of the people be well constructed. I conceive its organization to be sufficiently satisfactory to the warmest friend of freedom.

No tax can be laid without the consent of the House

of Representatives. If there be no impropriety in the mode of electing the representatives can any danger be apprehended? They are elected by those who can elect representatives in the State legislature. How can the votes of the electors be influenced? By nothing but the character and conduct of the man they vote for. What object can influence them when about choosing him. They have nothing to direct them in the choice but their own good. Have you not as pointed and strong a security as you can possibly have?

It is a mode that seems an impossibility of being corrupted. If they are to be chosen for their wisdom, virtue, integrity, what inducement have they to infringe on our freedom? We are told that they may abuse their power. Are there strong motives to prompt them to abuse it? Will not such abuse militate against their own interest? Will not they and their friends feel the effects of iniquitous measures? Does the representative remain in office for life? Does he transmit his title of representative to his son? Is he secured from the burden imposed on the community?

To procure their re-election it will be necessary for them to confer with the people at large and convince them that the taxes laid are for their good. If I am able to judge on the subject, the power of taxation now before us is wisely conceded and the representatives are wisely elected.

The honorable gentleman said that a government should ever depend on the affections of the people. It must be so. It is the best support it can have. This government merits the confidence of the people, and I make no doubt will have it. Then he informed us

again of the disposition of Spain with respect to the Mississippi, and the conduct of the government with regard to it. To the debility of the confederation alone may justly be imputed every cause of complaint on this subject.

Whenever gentlemen will bring forward their objections I trust we can prove that no danger to the navigation of that river can arise from the adoption of this constitution. I beg those gentlemen that may be affected by it to suspend their judgment till they hear it discussed. Will, says he, the adoption of this constitution pay our debts? It will compel the States to pay their quotas. Without this Virginia will be unable to pay.

Unless all the States pay she cannot. Though the States will not coin money (as we are told), yet this government will bring forth and proportion all the strength of the Union. That economy and industry are essential to our happiness will be denied by no man. But the present government will not add to our industry. It takes away the incitements to industry by rendering property insecure and unprotected. It is the paper on your table that will promote and encourage industry.

New Hampshire and Rhode Island have rejected it, he tells us. New Hampshire, if my information be right, will certainly adopt it. The report spread in this country, of which I have heard, is, that the representatives of that State having, on meeting, found they were instructed to vote against it, returned to their constituents without determining the question, to convince

them of their being mistaken and of the propriety of adopting it.

The extent of the country is urged as another objection, as being too great for a republican government. This objection has been handed from author to author and has been certainly misunderstood and misapplied. To what does it owe its source? To observations and criticisms on governments where representations did not exist. As to the legislative power, was it ever supposed inadequate to any extent? Extent of country may render it difficult to execute the laws, but not to legislate. Extent of country does not extend the power. What will be sufficiently energetic and operative in a small territory will be feeble when extended over a wide-exended country. The gentleman tells us there are no checks in this plan. What has become of his enthusiastic eulogium on the American spirit? We should find a check and control when oppressed from that source. In this country there is no exclusive personal stock of interest.

The interest of the community is blended and inseparably connected with that of the individual. When he promotes his own he promotes that of the community. When we consult the common good we consult our own. When he desires such checks as these he will find them abundantly here. They are the best checks. What has become of his eulogium on the Virginia constitution? Do the checks in this plan appear less excellent than those of the constitution of Virginia? If the checks in the constitution be compared to the checks in the Virginia constitution he will find the best security in the former.

The temple of liberty was complete, said he, when the people of England said to their king that he was their servant. What are we to learn from this? Shall we embrace such a system as that? Is not liberty secure with us, where the people hold all powers in their own hands and delegate them cautiously, for short periods, to their servants, who are accountable for the smallest maladministration? Where is the nation that can boast greater security than we do? We want only a system like the paper before you, to strengthen and perpetuate this security.

The honorable gentleman has asked if there be any safety or freedom when we give away the sword and the purse. Shall the people at large hold the sword and the purse without the interposition of their representatives? Can the whole aggregate community act personally? I apprehend that every gentleman will see the impossibility of this. Must they, then, not trust them to others? To whom are they to trust them but to their representatives, who are accountable for their conduct?

He represents secrecy as unnecessary and produces the British government as a proof of its inutility. Is there no secrecy there? When deliberating on the propriety of declaring war, or on military arrangements, do they deliberate in the open fields?

No, sir. The British government affords secrecy when necessary, and so ought every government. In this plan, secrecy is only used when it would be fatal and pernicious to publish the schemes of government. We are threatened with the loss of our liberties by the possible abuse of power, notwithstanding the maxim

that those who give may take away. It is the people that give power and can take it back. What shall restrain them? They are the masters who give it and of whom their servants hold it.

He then argues against the system because it does not resemble the British government in this—that the same power that declares war has not the means of carrying it on. Are the people of England more secure if the Commons have no voice in declaring war? or are we less secure by having the Senate joined with the President? It is an absurdity, says the worthy member, that the same man should obey two masters, that the same collector should gather taxes for the general government and the State legislature. Are they not both the servants of the people? Are not Congress and the State legislature the agents of the people, and are they not to consult the good of the people? May not this be effected by giving the same officer the collection of both taxes? He tells you that it is an absurdity to adopt before you amend. Is the object of your adoption to amend solely? The objects of your adoption are union, safety against foreign enemies, and protection against faction—against what has been the destruction of all republics.

These impel you to its adoption. If you adopt it, what shall restrain you from amending it if in trying it amendments shall be found necessary? The government is not supported by force, but depending on our free will. When experience shall show us any inconvenience we can then correct it. But until we have experience on the subject, amendments as well as the constitution itself are to try.

Let us try it and keep our hands free to change it when necessary. If it be necessary to change government, let us change that government which has been found to be defective. The difficulty we find in amending the confederation will not be found in amending this constitution.

Any amendments in the system before you will not go to a radical change; a plain way is pointed out for the purpose. All will be interested to change it, and therefore all exert themselves in getting the change. There is such a diversity of sentiment in human minds that it is impossible we shall ever concur in one system till we try it. The power given to the general government over the time, place, and manner of election is also strongly objected to. When we come to that clause we can prove it is highly necessary and not dangerous.

The worthy member has concluded his observations by many eulogiums on the British constitution. It matters not to us whether it be a wise one or not. I think that, for America at least, the government on your table is very much superior to it. I ask you if your House of Representatives would be better than it is if a hundredth part of the people were to elect a majority of them. If your senators were for life would they be more agreeable to you? If your President were not accountable to you for his conduct,—if it were a constitutional maxim that he could do no wrong,—would you be safer than you are now?

If you can answer, Yes, to these questions, then adopt the British constitution. If not, then, good as that government may be, this is better. The worthy

gentleman who was last up said the confederacies of ancient and modern times were not similar to ours, and that consequently reasons which applied against them could not be urged against it. Do they not hold out one lesson very useful to us? However unlike in other respects they resemble it in its total inefficacy. They warn us to shun their calamities, and place in our government those necessary powers the want of which destroyed them. I hope we shall avail ourselves of their misfortunes without experiencing them. There was something peculiar in one observation he made. He said that those who governed the cantons of Switzerland were purchased by foreign powers, which was the cause of their uneasiness and trouble. How does this apply to us? If we adopt such a government as theirs will it not be subject to the same inconvenience? Will not the same cause produce the same effect? What shall protect us from it? What is our security?

He then proceeded to say, the causes of war are removed from us; that we are separated by the sea from the powers of Europe, and need not be alarmed. Sir, the sea makes them neighbors to us. Though an immense ocean divides us, we may speedily see them with us. What dangers may we not apprehend to our commerce! Does not our naval weakness invite an attack on our commerce? May not the Algerines seize our vessels? Cannot they and every other predatory or maritime nation pillage our ships and destroy our commerce without subjecting themselves to any inconvenience?

He would, he said, give the general government

all necessary powers. If anything be necessary it must be so to call forth the strength of the Union when we may be attacked or when the general purposes of America require it. The worthy gentleman then proceeded to show that our present exigencies are greater than they will ever be again.

Who can penetrate into futurity? How can any man pretend to say that our future exigencies will be less than our present? The exigencies of nations have been generally commensurate to their resources. It would be the utmost impolicy to trust to a mere possibility of not being attacked or obliged to exert the strength of the community. He then spoke of a selection of particular objects by Congress, which he says must necessarily be oppressive; that Congress, for instance, might select taxes, and that all but landholders would escape. Cannot Congress regulate the taxes so as to be equal on all parts of the community? Where is the absurdity of having thirteen revenues? Will they clash with or injure each other? If not, why cannot Congress make thirteen distinct laws and impose the taxes on the general objects of taxation in each State so as that all persons of the society shall pay equally, as they ought?

He then told you that your continental government will call forth the virtue and talents of America. This being the case will they encroach on the power of the State governments? Will our most virtuous and able citizens wantonly attempt to destroy the liberty of the people? Will the most virtuous act the most wickedly? I differ in opinion from the worthy gentleman. I think the virtue and talents c the members of the

general government will tend to the security instead of the destruction of our liberty. I think that the power of direct taxation is essential to the existence of the general government and that it is safe to grant it. If this power be not necessary, and as safe from abuse as any delegated power can possibly be, then I say that the plan before you is unnecessary; for it imports not what system we have, unless it have the power of protecting us in time of peace and war.

Lee, Henry, a noted American patriot and orator, born at Leesylvania, Va., January 29, 1756 ; died at Cumberland Island, Ga., November 25, 1818. During the American Revolution he commanded a troop of soldiers known as "Lee's Legion," while he himself was commonly styled "Light-Horse Harry." He entered Congress in 1787, and was governor of Virginia 1792-95. While in Congress a second time the death of Washington occurred in 1799 and he was appointed by Congress to deliver an oration before that body upon the character of the great statesman. This eulogy, delivered on December 26, 1799, is still one of the most popular of American speeches, and has been declaimed by thousands of schoolboys. His life has been written by his son, General Robert E. Lee, the famous leader of the Southern confederacy.

EULOGY ON WASHINGTON.

[This oration was prepared and delivered at the request of the Congress of the United States, by General Lee, at Philadelphia, on the 26th of December, 1799.]

In obedience to your will I rise, your humble organ, with the hope of executing a part of the system of public mourning which you have been pleased to adopt, commemorative of the death of the most illustrious and most beloved personage this country has ever produced; and which, while it transmits to posterity your sense of the awful event, faintly represents your knowledge of the consummate excellence you so cordially honor.

Desperate indeed is any attempt on earth to meet correspondently this dispensation of heaven; for, while with pious resignation we submit to the will of

an all-gracious Providence, we can never cease lamenting, in our finite view of Omnipotent wisdom, the heart-rending privation for which our nation weeps. When the civilized world shakes to its centre; when every moment gives birth to strange and momentous changes; when our peaceful quarter of the globe, exempt as it happily has been from any share in the slaughter of the human race, may yet be compelled to abandon her pacific policy and to risk the doleful casualties of war; what limit is there to the extent of our loss? None within the reach of my words to express; none which your feelings will not disavow.

The founder of our federate republic, our bulwark in war, our guide in peace, is no more! O that this were but questionable! Hope, the comforter of the wretched, would pour into our agonizing hearts its balmy dew. But, alas! there is no hope for us; our Washington is removed forever! Possessing the stoutest frame and purest mind, he had passed nearly to his sixty-eighth year in the enjoyment of high health, when, habituated by his care of us to neglect himself, a slight cold, disregarded, became inconvenient on Friday, oppressive on Saturday, and, defying every medical interposition before the morning of Sunday, put an end to the best of men.

An end did I say?—his fame survives! bounded only by the limits of the earth and by the extent of the human mind. He survives in our hearts, in the growing knowledge of our children, in the affection of the good throughout the world: and when our monuments shall be done away; when nations now existing shall be no more; when even our young and far-spreading

empire shall have perished, still will our Washington's glory unfaded shine and die not, until love of virtue cease on earth, or earth itself sinks into chaos.

How, my fellow citizens, shall I signal to your grateful hearts his pre-eminent worth? Where shall I begin in opening to your view a character throughout sublime? Shall I speak of his warlike achievements, all springing from obedience to his country's will, all directed to his country's good?

Will you go with me to the banks of the Monongahela, to see your youthful Washington supporting in the dismal hour of Indian victory, the ill-fated Braddock, and saving, by his judgment and by his valor, the remains of a defeated army, pressed by the conquering savage foe; or, when oppressed America, nobly resolving to risk her all in defence of her violated rights, he was elevated by the unanimous voice of Congress to the command of her armies?

Will you follow him to the high grounds of Boston, where to an undisciplined, courageous, and virtuous yeomanry his presence gave the stability of system and infused the invincibility of love of country; or shall I carry you to the painful scenes of Long Island, York Island, and New Jersey, when, combating superior and gallant armies, aided by powerful fleets, and led by chiefs high in the roll of fame, he stood, the bulwark of our safety, undismayed by disaster, unchanged by change of fortune?

Or will you view him in the precarious fields of Trenton, where deep gloom, unnerving every arm, reigned triumphant through our thinned, worn-down, unaided ranks; himself unmoved? Dreadful was the

night. It was about this time of winter; the storm raged; the Delaware, rolling furiously with floating ice, forbade the approach of man. Washington, self-collected, viewed the tremendous scene; his country called; unappalled by surrounding dangers he passed to the hostile shore; he fought; he conquered. The morning sun cheered the American world. Our country rose on the event; and her dauntless chief, pursuing his blow, completed in the lawns of Princeton what his vast soul had conceived on the shores of the Delaware.

Thence to the strong grounds of Morristown he led his small but gallant band; and through an eventful winter, by the high efforts of his genius, whose matchless force was measurable only by the growth of difficulties, he held in check formidable hostile legions, conducted by a chief experienced in the art of war and famed for his valor on the ever-memorable heights of Abraham, where fell Wolfe, Montcalm, and since, our much-lamented Montgomery, all covered with glory. In this fortunate interval, produced by his masterly conduct, our fathers, ourselves, animated by his resistless example, rallied around our country's standard and continued to follow her beloved chief through the various and trying scenes to which the destinies of our Union led.

Who is there that has forgotten the vales of Brandywine, the fields of Germantown, or the plains of Monmouth? Everywhere present, wants of every kind obstructing, numerous and valiant armies encountering, himself a host, he assuaged our sufferings, limited our privations, and upheld our tottering republic.

Shall I display to you the spread of the fire of his soul by rehearsing the praises of the hero of Saratoga and his much loved compeer of the Carolinas? No; our Washington wears not borrowed glory. To Gates, to Greene, he gave without reserve the applause due to their eminent merit; and long may the chiefs of Saratoga and of Eutaw receive the grateful respect of a grateful people.

Moving in his own orbit he imparted heat and light to his most distant satellites; and, combining the physical and moral force of all within his sphere, with irresistible weight he took his course, commiserating folly, disdaining vice, dismaying treason, and invigorating despondency; until the auspicious hour arrived when, united with the intrepid forces of a potent and magnanimous ally, he brought to submission the since conqueror of India; thus finishing his long career of military glory with a lustre corresponding to his great name, and in this, his last act of war, affixing the seal of fate to our nation's birth.

To the horrid din of battle sweet peace succeeded; and our virtuous chief, mindful only of the common good, in a moment of tempting personal aggrandizement hushed the discontents of growing sedition, and, surrendering his power into the hands from which he had received it, converted his sword into a plowshare, teaching an admiring world that to be truly great you must be truly good.

Were I to stop here the picture would be incomplete and the task imposed unfinished. Great as was our Washington in war, and as much as did that greatness contribute to produce the American republic, it is not

in war alone his pre-eminence stands conspicuous. His various talents, combining all the capacities of a statesman with those of a soldier, fitted him alike to guide the councils and the armies of our nation. Scarcely had he rested from his martial toils, while his invaluable parental advice was still sounding in our ears, when he who had been our shield and our sword was called forth to act a less splendid but more important part.

Possessing a clear and penetrating mind, a strong and sound judgment, calmness and temper for deliberation, with invincible firmness and perseverance in resolutions maturely formed; drawing information from all; acting from himself with incorruptible integrity and unvarying patriotism; his own superiority and the public confidence alike marked him as the man designed by heaven to lead in the great political as well as military events which have distinguished the era of his life.

The finger of an overruling Providence pointing at Washington was neither mistaken nor unobserved; when, to realize the vast hopes to which our Revolution had given birth, a change of political system became indispensable.

How novel, how grand the spectacle! Independent States, stretched over an immense territory, and known only by common difficulty, clinging to their union as the rock of their safety, deciding by frank comparison of their relative condition to rear on that rock, under the guidance of reason, a common government through whose commanding protection, liberty and order, with their long train of blessings, should be

safe to themselves and the sure inheritance of their posterity.

This arduous task devolved on citizens selected by the people from knowledge of their wisdom and confidence in their virtue. In this august assembly of sages and of patriots Washington, of course, was found; and, as if acknowledged to be the most wise where all were wise, with one voice he was declared their chief. How well he merited this rare distinction, how faithful were the labors of himself and his compatriots, the work of their hands, and our union, strength, and prosperity, the fruits of that work, best attest.

But to have essentially aided in presenting to his country this consummation of her hopes neither satisfied the claims of his fellow citizens on his talents, nor those duties which the possession of those talents imposed. Heaven had not infused into his mind such an uncommon share of its ethereal spirit to remain unemployed; nor bestowed on him his genius unaccompanied with the corresponding duty of devoting it to the common good. To have framed a constitution was showing only, without realizing, the general happiness.

This great work remained to be done; and America, steadfast in her preference, with one voice summoned her beloved Washington, unpractised as he was in the duties of civil administration, to execute this last act in the completion of the national felicity. Obedient to her call, he assumed the high office with that self-distrust peculiar to his innate modesty, the constant attendant of pre-eminent virtue. What was the burst

of joy through our anxious land on this exhilarating event is known to us all. The aged, the young, the brave, the fair, rivalled each other in demonstrations of their gratitude; and this high-wrought, delightful scene was heightened in its effect by the singular contest between the zeal of the bestowers and the avoidance of the receiver of the honors bestowed.

Commencing his administration, what heart is not charmed with the recollection of the pure and wise principles announced by himself as the basis of his political life! He best understood the indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and individual felicity; watching with an equal and comprehensive eye over this great assemblage of communities and interests, he laid the foundations of our national policy in the unerring, immutable principles of morality based on religion, exemplifying the pre-eminence of a free government by all the attributes which win the affections of its citizens or command the respect of the world.

"O fortunatos nimium, sua si bona norint!"[1]

Leading through the complicated difficulties produced by previous obligations and conflicting interests, seconded by succeeding Houses of Congress, enlightened and patriotic, he surmounted all original obstruction and brightened the path of our national felicity.

The presidential term expiring, his solicitude to

[1] "O too fortunate if they recognize the good things they have."

exchange exaltation for humility returned with a force increased with increase of age; and he had prepared his farewell address to his countrymen, proclaiming his intention, when the united interposition of all around him, enforced by the eventful prospects of the epoch, produced a further sacrifice of inclination to duty. The election of President followed, and Washington, by the unanimous vote of the nation, was called to resume the chief magistracy. What a wonderful fixture of confidence! Which attracts most our admiration, a people so correct, or a citizen combining an assemblage of talents forbidding rivalry and stifling even envy itself? Such a nation ought to be happy, such a chief must be forever revered.

War, long menaced by the Indian tribes, now broke out; and the terrible conflict, deluging Europe with blood, began to shed its baneful influence over our happy land. To the first outstretching his invincible arm, under the order of the gallant Wayne, the American eagle soared triumphant through distant forests. Peace followed victory; and the melioration of the condition of the enemy followed peace. Godlike virtue, which uplifts even the subdued savage!

To the second he opposed himself. New and delicate was the conjuncture and great was the stake. Soon did his penetrating mind discern and seize the only course, continuing to use all the felicity enjoyed. He issued his proclamation of neutrality. This index to his whole subsequent conduct was sanctioned by the approbation of both Houses of Congress and by the approving voice of the people.

To this sublime policy he inviolably adhered, un-

moved by foreign intrusion, unshaken by domestic turbulence.

> "Justum et tenacem propositi virum,
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni,
> Mente quatit solida."[1]

Maintaining his pacific system at the expense of no duty, America, faithful to herself and unstained in her honor, continued to enjoy the delights of peace, while afflicted Europe mourns in every quarter under the accumulated miseries of an unexampled war; miseries in which our happy country must have shared had not our pre-eminent Washington been as firm in council as he was brave in the field.

Pursuing steadfastly his course, he held safe the public happiness, preventing foreign war and quelling internal discord, till the revolving period of a third election approached, when he executed his interrupted but inextinguishable desire of returning to the humble walks of private life.

The promulgation of his fixed resolution stopped the anxious wishes of an affectionate people from adding a third unanimous testimonial of their unabated confidence in the man so long enthroned in their hearts. When before was affection like this exhibited on earth? Turn over the records of ancient Greece; review the annals of mighty Rome; examine the volumes of modern Europe; you search in vain.

[1] The just man, tenacious of his purpose, is not shaken in his well-formed convictions by the ill-timed zeal of aggressive citizens or by the angry face of the tyrant.

America and her Washington only afford the dignified exemplification.

The illustrious personage called by the national voice in succession to the arduous office of guiding a free people had new difficulties to encounter. The amicable effort of settling our difficulties with France, begun by Washington and pursued by his successor in virtue as in station, proving abortive, America took measures of self-defence. No sooner was the public mind roused by the prospect of danger than every eye was turned to the friend of all, though secluded from public view and gray in public service. The virtuous veteran, following his plough, received the unexpected summons with mingled emotions of indignation at the unmerited ill-treatment of his country and of a determination once more to risk his all in her defence.

The annunciation of these feelings in his affecting letter to the President, accepting the command of the army, concludes his official conduct.

First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and endearing scenes of private life. Pious, just, humane, temperate, and sincere; uniform, dignified, and commanding, his example was as edifying to all around him as were the effects of that example lasting.

To his equals he was condescending; to his inferiors kind; and to the dear object of his affections exemplarily tender. Correct throughout, vice shuddered in his presence and virtue always felt his fostering hand; the purity of his private character gave effulgence to his public virtues.

His last scene comported with the whole tenor of

his life: although in extreme pain, not a sigh, not a groan escaped him; and with undisturbed serenity he closed his well-spent life. Such was the man America has lost! Such was the man for whom our nation mourns!

Methinks I see his august image and hear, falling from his venerable lips, these deep sinking words:

"Cease, sons of America, lamenting our separation: go on, and confirm by your wisdom the fruits of our joint counsels, joint efforts, and common dangers. Reverence religion; diffuse knowledge throughout your land; patronize the arts and sciences; let liberty and order be inseparable companions; control party spirit, the bane of free government; observe good faith to, and cultivate peace with, all nations; shut up every avenue to foreign influence; contract rather than extend national connection; rely on yourselves only; be American in thought and deed. Thus will you give immortality to that Union which was the constant object of my terrestrial labors. Thus will you preserve, undisturbed to the latest posterity, the felicity of a people to me most dear: and thus will you supply (if my happiness is now aught to you) the only vacancy in the round of pure bliss high heaven bestows."

Hamilton, Alexander, a renowned American statesman and financier, born in the Island of St. Nevis, in the West Indies, January 11, 1757; died at Weehawken, N. J., July 12, 1804. As a youth he was sent to New York City to be educated and entered what is now Columbia University, just prior to the American Revolution. Fired by the stirring events of the period he began to address public gatherings, where his eloquence and earnestness attracted great attention. Leaving college he joined the army, receiving a commission from Washington, and commanding a battalion at the siege of Yorktown. With Madison and Jay he wrote the series of political essays known as The Federalist in order to bring about the adoption of the Constitution. Hamilton was the first secretary of the treasury, holding office from 1789 to 1795. He was killed in a duel with Aaron Burr.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION.

CONSTITUTION OF NEW YORK, JUNE 24, 1788.

I AM persuaded, Mr. Chairman, that I in my turn shall be indulged, in addressing the committee. We all, in equal sincerity, profess to be anxious for the establishment of a republican government, on a safe and solid basis. It is the object of the wishes of every honest man in the United States, and I presume that I shall not be disbelieved, when I declare, that it is an object of all others the nearest and most dear to my own heart. The means of accomplishing this great purpose become the most important study which can interest mankind. It is our duty to examine all those

means with peculiar attention, and to choose the best and most effectual. It is our duty to draw from nature, from reason, from examples, the best principles of policy, and to pursue and apply them in the formation of our government. We should contemplate and compare the systems, which, in this examination, come under our view; distinguish, with a careful eye, the defects and excellencies of each, and, discarding the former, incorporate the latter, as far as circumstances will admit, into our Constitution. If we pursue a different course and neglect this duty, we shall probably disappoint the expectations of our country and of the world.

In the commencement of a revolution, which received its birth from the usurpations of tyranny, nothing was more natural than that the public mind should be influenced by an extreme spirit of jealousy. To resist these encroachments, and to nourish this spirit, was the great object of all our public and private institutions. The zeal for liberty became predominant and excessive. In forming our Confederation, this passion alone seemed to actuate us, and we appear to have had no other view than to secure ourselves from despotism. The object certainly was a valuable one, and deserved our utmost attention. But, sir, there is another object equally important, and which our enthusiasm rendered us little capable of regarding: I mean a principle of strength and stability in the organization of our government, and vigor in its operations. This purpose can never be accomplished but by the establishment of some select body, formed peculiarly upon this principle. There are few positions more demon-

strable than that there should be in every republic some permanent body to correct the prejudices, check the intemperate passions, and regulate the fluctuations of a popular assembly. It is evident that a body instituted for these purposes must be so formed as to exclude as much as possible from its own character those infirmities and that mutability which it is designed to remedy. It is therefore necessary that it should be small, that it should hold its authority during a considerable period, and that it should have such an independence in the exercise of its powers as will divest it as much as possible of local prejudices. It should be so formed as to be the centre of political knowledge, to pursue always a steady line of conduct, and to reduce every irregular propensity to system. Without this establishment, we may make experiments without end, but shall never have an efficient government.

It is an unquestionable truth, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good sense must despise. That branch of administration especially, which involves our political relations with foreign States, a community will ever be incompetent to. These truths are not often held up in public assemblies, but they cannot be unknown to any who hear me. From these principles it follows, that there ought to be two distinct bodies in our government: one,

which shall be immediately constituted by and peculiarly represent the people, and possess all the popular features; another, formed upon the principle and for the purposes before explained. Such considerations as these induced the Convention who formed your State Constitution, to institute a Senate upon the present plan. The history of ancient and modern republics had taught them, that many of the evils which these republics had suffered, arose from the want of a certain balance and mutual control indispensable to a wise administration; they were convinced that popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary; they, therefore, instituted your Senate, and the benefits we have experienced have fully justified their conceptions. . . .

Gentlemen, in their reasoning, have placed the interests of the several States and those of the United States in contrast; this is not a fair view of the subject; they must necessarily be involved in each other. What we apprehend is, that some sinister prejudice, or some prevailing passion, may assume the form of a genuine interest. The influence of these is as powerful as the most permanent conviction of the public good; and against this influence we ought to provide. The local interests of a State ought in every case to give way to the interests of the Union; for when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should yield, on the principle that the small good ought never to oppose the great one. When you assemble from your several

counties in the Legislature, were every member to be guided only by the apparent interests of his country, government would be impracticable. There must be a perpetual accommodation and sacrifice of local advantages to general expediency; but the spirit of a mere popular assembly would rarely be actuated by this important principle. It is therefore absolutely necessary that the Senate should be so formed, as to be unbiased by false conceptions of the real interests, or undue attachment to the apparent good of their several States.

Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators will ever be so insensible of their own advantage, as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress has a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This conviction can never leave them, unless they become madmen. While the Constitution continues to be read, and its principle known, the States must, by every rational man, be considered as essential, component parts of the Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.

The objectors do not advert to the natural strength and resources of State governments, which will ever

give them an important superiority over the general government. If we compare the nature of their different powers, or the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of Representatives throughout the States may be two thousand. Their personal influence will, therefore, be proportionably more extensive than that of one or two hundred men in Congress. The State establishments of civil and military officers of every description, infinitely surpassing in number any possible correspondent establishments in the general government, will create such an extent and complication of attachments, as will ever secure the predilection and support of the people. Whenever, therefore, Congress shall meditate any infringement of the State Constitution, the great body of the people will naturally take part with their domestic representatives. Can the general government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their Legislatures to be reduced to a shadow and a name? The idea is shocking to common-sense.

From the circumstances already explained, and many others which might be mentioned, results a complicated, irresistible check, which must ever support the existence and importance of the State governments. The danger, if any exists, flows from an opposite source. The probable evil is, that the general government will be too dependent on the State Legislatures, too much governed by their prejudices, and too ob-

sequious to their humors; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved.

Every member must have been struck with an observation of a gentleman from Albany. Do what you will, says he, local prejudices and opinions will go into the government. What! shall we then form a Constitution to cherish and strengthen these prejudices? Shall we confirm the distemper, instead of remedying it. It is undeniable that there must be a control somewhere. Either the general interest is to control the particular interests, or the contrary. If the former, then certainly the government ought to be so framed, as to render the power of control efficient to all intents and purposes; if the latter, a striking absurdity follows; the controlling powers must be as numerous as the varying interests, and the operations of the government must therefore cease; for the moment you accommodate these different interests, which is the only way to set the government in motion, you establish a controlling power. Thus, whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always, in their reasoning, to distinguish between the real, genuine good of a State, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it that it never can be sacrificed.

There are certain social principles in human nature

from which we may draw the most solid conclusions with respect to the conduct of individuals and of communities. We love our families more than our neighbors; we love our neighbors more than our countrymen in general. The human affections, like the solar heat, lose their intensity as they depart from the centre, and become languid in proportion to the expansion of the circle on which they act. On these principles, the attachment of the individual will be first and forever secured by the State governments; they will be a mutual protection and support. Another source of influence, which has already been pointed out, is the various official connections in the States. Gentlemen endeavor to evade the force of this by saying that these offices will be insignificant. This is by no means true. The State officers will ever be important, because they are necessary and useful. Their powers are such as are extremely interesting to the people; such as affect their property, their liberty, and life. What is more important than the administration of justice and the execution of the civil and criminal laws? Can the State governments become insignificant while they have the power of raising money independently and without control? If they are really useful; if they are calculated to promote the essential interests of the people; they must have their confidence and support. The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet one common fate. On the gentleman's principle, we may safely trust the State governments, though we have no means of resisting them; but we cannot con-

fide in the national government, though we have an effectual constitutional guard against every encroachment. This is the essence of their argument, and it is false and fallacious beyond conception.

With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought to be so formed as not to prevent the States from providing for their own existence; and I maintain that it is so formed; and that their power of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says Congress has but one exclusive right in taxation—that of duties on imports; certainly, then, their other powers are only concurrent. But to take off the force of this obvious conclusion, he immediately says that the laws of the United States are supreme and that where there is one supreme there cannot be a concurrent authority; and further, that where the laws of the Union are supreme, those of the States must be subordinate; because there cannot be two supremes. This is curious sophistry. That two supreme powers cannot act together is false. They are inconsistent only when they are aimed at each other or at one indivisible object. The laws of the United States are supreme, as to all their proper, constitutional objects; the laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. Suppose both governments should lay a tax of a penny on a certain article; has not each an independent and uncontrollable

power to collect its own tax? The meaning of the maxim, there cannot be two supremes, is simply this—two powers cannot be supreme over each other. This meaning is entirely perverted by the gentlemen. But, it is said, disputes between collectors are to be referred to the Federal courts. This is again wandering in the field of conjecture. But suppose the fact is certain; is it not to be presumed that they will express the true meaning of the Constitution and the laws? Will they not be bound to consider the concurrent jurisdiction; to declare that both the taxes shall have equal operation; that both the powers, in that respect, are sovereign and co-extensive? If they transgress their duty, we are to hope that they will be punished. Sir, we can reason from probabilities alone. When we leave common-sense, and give ourselves up to conjecture, there can be no certainty, no security in our reasonings.

I imagine I have stated to the committee abundant reasons to prove the entire safety of the State governments and of the people. I would go into a more minute consideration of the nature of the concurrent jurisdiction, and the operation of the laws in relation to revenue; but at present I feel too much indisposed to proceed. I shall, with leave of the committee, improve another opportunity of expressing to them more fully my ideas on this point. I wish the committee to remember that the Constitution under examination is framed upon truly republican principles; and that, as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State governments or oppress the people.

Andrew, John A., an eminent American statesman and orator, born at Windham, Maine, May 31, 1818; died in Boston, Mass., October 30, 1867. He was admitted to the bar in 1840, and for twenty years was prominent as a lawyer of Boston. During this period his advocacy of Whig principles had made him conspicuous in politics, and he was known as a determined opponent of slavery. He entered the state senate in 1858, and in 1860 was elected governor of his state, holding office for five successive terms. He actively supported the war measures of the administration, and during the war period made many patriotic addresses. He had great executive ability, and his oratory was as forcible as it was eloquent. Among his more important speeches are those on The Eve of War, addressed to the Massachusetts legislature in 1861, In Honor of Patriot Heroes, and on The Return of the Battle Flags.

THE EVE OF WAR.

FROM ADDRESS TO THE LEGISLATURE OF MASSACHUSETTS, JANUARY 5, 1861.

THE constitutional choice to the presidency of a citizen who adheres to the original principles of the fathers of the country, is the happy result of the recent national election. But by events which have since transpired in the southern States it appears that a large, influential, and energetic body of men in that section of the country, who control the action of at least the State of South Carolina, desire to resist, if necessary, by force of arms, this peaceful and constitutional triumph of republican principles, to which

they ought in honor and loyalty to yield a generous acquiescence.

Forgetful of the traditions of their ancestors they seem determined to live in peace under no government which shall not concede to them the privilege not only of enslaving their fellow beings within their own dominion, but also of transporting them at their pleasure into the national territory, or from State to State absolutely without restriction, and of retaining them as slaves wheresoever within the national limits they themselves may please to sojourn.

It is the recommendation of President Buchanan in his recent annual message, that by means of constitutional amendments to be initiated by Congress or in a national convention, concessions shall be made for the satisfaction of this extraordinary demand. This is a subject which I commend to your immediate but deliberate consideration, and I shall be happy to concur with what I hope will be the unanimous sentiment of the legislature, in a declaration of the opinion of Massachusetts with reference to the state of the Union and the suggestions of the federal Executive.

If Massachusetts, either by voice or vote, can properly do anything to avert from those misguided men the miserable consequences which threaten to succeed their violent action—the pecuniary disturbances and the civil commotions which must necessarily occur within their own borders if they persist in their career, her voice and vote should not be withheld. Not the least deplorable result of the action of South Carolina I apprehend will be the insecurity to life and property which will result throughout the whole South from

fear of servile insurrection. Wherever slavery exists, we have the authority of Jefferson for believing that, in his own words, "the hour of emancipation is advancing in the march of time; it will come; and whether brought on by the generous energy of our own minds, or by the bloody process of St. Domingo, is a leaf of our history not turned over."

The enslaved negro population of the South is not destitute of intelligence nor devoid of that sentiment of resistance to tyranny which naturally inspires the oppressed to seek for freedom. If as appears probable it shall once conceive from the present march of events that it has no hope of emancipation from any generous exertion of the minds of its masters a resort to that process will be only the logical impulse of human nature. That God may be pleased to overrule the folly of man so as to avert so dreadful a calamity must be the prayer of every American; but in my judgment it lies in the end of the road which South Carolina invites her sister States upon the Gulf of Mexico to enter.

I have searched the position of Massachusetts with all the disinterested patriotism which I could command for the performance of that duty, and I find nothing by which I can reproach her with responsibility for such results if they shall come to pass; but I invite you to a similar examination.

The truth of history compels me to declare that one chief source of the difficulty which we are called to encounter lies in the incessant misrepresentation of the principles, purposes, and methods of the people who compose the majority in the free States by super-

serviceable individuals, who undertake to monopolize friendship for the people of the slave-holding States; and candor requires me to add that they profess a friendship the largest part of which might be analyzed into dislike of their political opponents.

I have for twenty years past been a constant and careful observer of public men and affairs; and for twelve years, at least, I have been intimately aware of the private as well as the public declarations and conduct of the representative men in almost every town and village of the Commonwealth. I think I may claim also some intimacy with the great body of the people of Massachusetts of whatsoever party. This period has been one of extraordinary and intense political interest. The tenderest sentiments, the deepest convictions, the warmest emotions have all been stirred by the course of public affairs. Bitter disappointments, the keenest sense of injustice, the consciousness of subjection to most flagrant wrong have fallen to the lot of our people.

The Fugitive Slave Bill of 1850 with its merciless severity and the ostentatious indignity with which it was executed; the repeal of the Missouri restriction upon the extension of slavery over national territory; the violent means adopted to prevent emigrants from this Commonwealth from participating in the settlement of Kansas; the invasion of that Territory by men armed with the plunder from national arsenals; the imposition of fraudulent legislatures upon a people temporarily subjugated by ruffianism and unprotected by a federal executive which also forbade them to protect themselves; the indiscriminate pillage, fire, and

slaughter to which peaceable settlers were subjected without cause or excuse; the repeated exertions of the national administration in conspiracy with the enemies of freedom and good government, to impose and enforce upon Kansas a constitution sanctioning slavery; the attempt to withdraw the discussion of political questions from the people themselves and to confine it to a conclave of judges; the assault upon free speech in Congress by a murderous attack upon a senator in his seat for opinions expressed in debate and for the manner of their expression; the indifference of positive approval with which this attempt to overthrow representative institutions was treated throughout a large portion of the country; the prostitution of all the powers of the government and the bending of all its energy to propagate a certain interest for the benefit of a few speculators in lands, negroes, and politics, and to discourage the free labor of the toiling masses of the people; the menaces of violence and war against the constitution and the Union with which our arguments and our constitutional resistance have been met; these all are but a part of the record of the last ten years of American political history, which is burned into the memory of the people of Massachusetts.

And yet during all the excitement of this period, inflamed by the heats of repeated presidential elections, I have never known a single Massachusetts Republican to abandon his loyalty, surrender his faith, or seal up his heart against the good hopes and kind affections which every devoted citizen ought to entertain for every section of his country. During all this

maladministration of the national government, the people of Massachusetts have never wavered from their faith in its principles or their loyalty to its organization.

Looking forward to the long ages of the future; building always, in their own minds, for countless generations yet to come; they have endured, and are willing still cheerfully and hopefully to endure, much wrong and more misconception, because they trust in the blood inherited from heroic ancestors; in the principles of constitutional liberty; in the theory of democratic institutions; in the honest purpose of the intelligent masses of the people everywhere; in the capacity of truth and right ultimately to reach and control the minds of men; in an undying affection for their whole country, its memories, traditions, and hopes; and above all in the good Providence of God.

It was at a great cost that our fathers established their independence and erected this Union of States —which exists under the form of a national government, unquestionable as to its authority to act on all persons and all things within the sphere of its jurisdiction and the range of its granted powers. It needs ask permission from no one to fulfil its functions or to perpetuate its existence. It has no right nor power to abdicate; nor to expel a State, or any portion of the people of any State, from the benefits of its protection; nor to permit their revolt against the duties of a common citizenship.

By the incurring of national debts, by the granting of pensions, patents, and copyrights, by the issue of commissions establishing a tenure of office not ter-

minable at the pleasure of the appointing power, by the purchase and the conquest of territory erected into additional States, by the improvement of harbors and rivers and the construction of military roads, by the settlement of wildernesses and the development of their resources under the national patronage, by the investment of vast sums of money in buildings for the transaction of public business, in light-houses, navy-yards, fortifications, vessels of war, and their equipment, by the assumption of obligations under treaties with Indian tribes and foreign powers, the people of the United States have paid and are paying a continuing consideration for the existence of this national government in all its sovereign territorial integrity.

All the people of all the States are interlocked and interlaced in a vast web of mutual interests, rights, and obligations as various and as precious as are the characteristics of that wonderful civilization in which they participate. And this Union, through whatever throes or crises it may pass, cannot expire except with the annihilation of the people.

Come what may I believe that Massachusetts will do her duty. She will stand by the incoming national administration as she has stood by the past ones; because her people will forever stand by their country. The records of her revolutionary history declare her capacity and her will to expend money, sympathy, and men to sustain the common cause. More than half the soldiers of the Revolution were furnished by New England; and Massachusetts alone contributed more men to the federal armies than were enlisted in all

the southern States. She is willing to make the same sacrifices again if need be in the same cause; and her capacity to do so has increased in proportion with the increase in her wealth and population.

The echoes of the thunder of her revolutionary battlefields have not yet died away upon the ears of her sons, and the vows and prayers of her early patriots still whisper their inspiration. The people of Massachusetts will in any event abide by her plighted faith. She agreed to the constitution of the United States. It is the charter of the Union, it is the record of the contract, and the written evidence of rights intended to be secured to the States and to the people.

History shows that never at any one time is there more than one grand issue on trial under a popular government before the great tribunal of the people. A reactionary movement against the doctrines and traditions of liberty handed down from the beginning precipitated the trial in the elections of 1856 of an issue made up upon the relation of slavery to the territorial possessions of the nation, and the right of the people to manage those possessions so as to protect themselves, preserve their liberties, strengthen the Union, promote the common happiness and welfare, and best develop the resources of the lands within exclusive federal jurisdiction.

By the conduct and manifest designs of the leaders of that same reactionary movement the same issue was kept open and presented to the country in a form still more intense, and a popular verdict demanded in the elections of 1860. So far as that issue can be settled by a popular election of President of the

United States, its settlement is for the present complete. In the next national election it may again be presented and the grand issue of 1860 be repeated in 1864, should the people of the country be of opinion that any duty or practical advantage remains dependent on the possible result of a new trial. Meanwhile other duties command our immediate care. There is now no issue before the people touching their political relations to slavery in the Territories. The policy of the national government in that regard is determined for the next four years; but instead of preparing for a rehearing and an endeavor to reverse the verdict at the end of that period, that party of reaction has now engaged in an effort to abolish the tribunal and overthrow the authority of the people themselves. And the single question now presented to the nation is this: "Shall a reactionary spirit, unfriendly to liberty, be permitted to subvert democratic republican government organized under constitutional forms?"

Upon this issue, over the heads of all mere politicians and partisans, in behalf of the Commonwealth of Massachusetts I appeal directly to the warm hearts and clear heads of the great masses of the people. The men who own and till the soil, who drive the mills, and hammer out their own iron and leather on their own anvils and lapstones, and they who, whether in the city or the country, reap the rewards of enterprising industry and skill in the varied pursuits of business, are honest, intelligent, patriotic, independent, and brave. They know that simple defeat in an election is no cause for the disruption of a gov-

ernment. They know that those who declare that they will not live peaceably within the Union do not mean to live peaceably out of it. They know that the people of all sections have a right which they intend to maintain, of free access from the interior to both oceans, and from Canada to the Gulf of Mexico, and of the free use of all the lakes and rivers and highways of commerce, north, south, east, or west. They know that the Union means peace and unfettered commercial intercourse from sea to sea and from shore to shore; that it secures us all against the unfriendly presence or possible dictation of any foreign power, and commands respect for our flag and security for our trade.

And they do not intend, nor will they ever consent to be excluded from these rights which they have so long enjoyed, nor to abandon the prospect of the benefits which humanity claims for itself by means of their continued enjoyment in the future. Neither will they consent that the continent shall be overrun by the victims of a remorseless cupidity, and the elements of civil danger increased by the barbarizing influences which accompany the African slave trade.

Inspired by the same ideas and emotions which commanded the fraternization of Jackson and Webster on another great occasion of public danger, the people of Massachusetts, confiding in the patriotism of their brethren in other States, accept this issue and respond in the words of Jackson: "The Federal Union, it must be preserved."

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